

***United States Court of Appeals
for the Second Circuit***



**APPELLANT'S
APPENDIX**

**Docket
No. 77-1129**

B
PJS

**In The
United States Court of Appeals
For the Second Circuit**

UNITED STATES OF AMERICA,

Plaintiff-Appellant,

— v. —

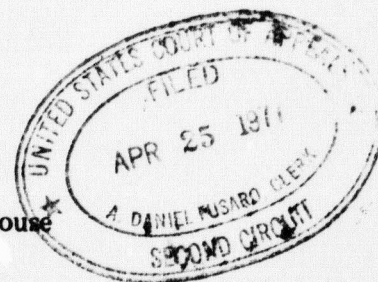
RAYMOND D. MASCIARELLI
and
LAWRENCE SCHULTZ,

Defendants-Appellees.

On Appeal from the United States District Court
Northern District of New York

**APPENDIX FOR APPELLANT,
United States of America**

PAUL V. FRENCH
United States Attorney
Northern District of New York
ARTHUR A. CHALENSKI, JR.
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DOCKET ENTRIES.

CRIMINAL DOCKET
UNITED STATES DISTRICT COURT

74-CR 114

D. C. Form No. 100 Rev.

TITLE OF CASE	ATTORNEYS
THE UNITED STATES	For U. S.:
vs.	James M. Sullivan, Jr.
RAYMOND D. MASCIARELLI 4115 Felters Road, Bing.	
LAWRENCE SCHULTZ 44 Prentiss St., Munroe Falls, Ohio	
	For Defendant:
	Dante Scaccia - Masciarelli
	James P. Shanahan, Asgd. Schu
	825 University Bldg.
	Syracuse, N.Y.

STATISTICAL RECORD	COSTS	DATE	NAME OR RECEIPT NO.	REC.	DISB.
J.S. 2 mailed	Clerk				
J.S. 3 mailed	Marshal				
Violation	Docket fee				
Title					
Sec.					

DATE	PROCEEDINGS
11/18/74	Filed Indictment in vio: T18, USC2 and 1084 (a) Interstate transmission of wagering information 1 ct. JS2
12/10/74	Deft. Masciarelli is arraigned and pleads not guilty. Motions to be made returnable at Syr. on 1/13/75. Motion papers are to be filed with the Clerk on or before 12/24/74, any answers to be filed on or before 1/7/75, with copies to Judge Port. No motions for discovery, unless alleged that prior to motions material was demanded and refused. Continued on bail.
12/26	Filed Notice of Motion for Discovery and Bill of Particulars for an Order directing U. S. Atty. to make available information requested. Raymond Masciarelli.
1/29/75	Filed Notice of Motion and Affidavit seeking order directing ease be removed from ready calendar.
3/4/75	Hold subject to Judge Port's rulings.
3/10/75	Judge to prepare Order - Govt. has 15 days to submit items agreed upon on January 13, 1975 at Auburn. Off the Albany Calendar and to be first case on May Calendar at Auburn.
3/5/75	Filed transcript of matters on Calendar Call on March 4, 1975 at Albany - see (74CR142)

DOCKET ENTRIES.

74-CR 144

DATE	PROCEEDINGS
3/13/75	Filed Order signed by Hon. Edmund Port, severing Count 3 of Indictment 74CR142, etc.
3/28/75	Filed Notice of Motion, Affidavit and Memo of Law for April 14, 1975 at Syracuse for an Order vacating third mandate of this Court's Order dated 3/11/75.
4/14/75	Filed envelope containing material submitted for in-camera examination by the Court. (74-CR-142)
4/24/75	Filed Order signed by Judge Port requiring Gov't. to supply names and addresses of all Gov't. witnesses. (74-CR-144)
4/28/75	Defendant Lawrence Schultz is arraigned and pleads not guilty. Motions to be made returnable on May 26, 1975 at Utica. Motions to be filed and served on U. S. Attorney on or before May 13, 1975, any answers to be filed on or before May 20, 1975, with copies of all papers to Judge Port in Auburn. Defendant is released on his own recognizance after executing bail reform form.
4/28	Filed CJA Form 20 assigning Attorney James P. Shanahan.
4/28	Filed Financial Affidavit and Bail Reform Act Form.
5/2/75	Filed Order signed by Judge Port amending Order of 3/11/75 - Gov't. witnesses to be named before May 9.
5/8/75	Filed Notice of Appeal on Order dated March 11, 1975. (filed by Gov't.) m Forwarded copy to Clerk, U.S. Court of Appeal.
5/8/75	Judge Port directs that Mr. Welch file an Order to Show Cause made returnable on Tues. May 13, 1975 at 4:00 P.M. at Auburn, N.Y. so that all defendants have had proper notice to Show Cause is to be served not later than 6:00 PM today.
5/8/75	Filed Notice of Motion and Affidavit in support of Government's Motion for stay pending appeal. (see 74CR142)
5/8/75	Filed Order to Show Cause (see 74CR142)
5/13/75	Filed Certificate of Service of Order to Show Cause (see 74CR142)
5/12/75	Filed transcript of proceedings held April 14, Syracuse (see 74CR142)
5/13/75	Motion for a stay pending appeal - Granted. Trial is adjourned until 15 days after final ruling of CCA, 2nd Cir. Orders of 3/11/75 & 5/1/75 are stayed. Govt. to submit Order (74CR142)
4/14/75	Filed Motion by U.S. for Order vacating third mandate of Court dated March 11, 1975 requiring pre-trial disclosure of the Govt. witnesses Judge to draw an order.
5/19/75	Filed transcript of proceedings held Jan. 13, 1975 at Syracuse.
5/19/75	Filed Order signed 5/15/75 by Judge Port ordering case from trial calendar of 5/30/75, etc. (74CR142)
5/22/75	Sent Certified copy of Record on Appeal to CCA, 2nd Cir.
5/28/75	Filed Original Transcript of Proceedings of 1/31/75, Utica (74-CR-142)
5/28/75	Filed Certification to Notice of Appeal (74-CR-142)
5/23/75	Filed Transcript of Dec. 10, 1974, Auburn
5/23/75	Filed Transcript of May 13, 1975 Auburn (74CR142)
5/23/75	Filed Transcript of March 10, 1975, Syr. (74CR142)
5/30/75	Sent Supplemental Record on Appeal to CCA, 2nd Cir.
6/2/75	Filed receipt from CCA, for Record of Appeal sent (74CR142)
6/9/75	Filed receipt from CCA, for Supplemental Index (74-142)
5/30/75	Off until 15 days after determination of appeal to 2nd Circuit
9/10/75	Filed transcript of proceedings held 1/31/75 at Utica (see 74CR142)
9/12/75	Filed transcript of proceedings held March 4, 1975 - Albany (74CR142)
9/12/75	Filed transcript of proceedings held May 8, 1975 - Auburn (74-CR-142)
3/2/76	Over to Auburn - time excluded
3/22/76	Filed Order of Mandate, signed 3/17/76 by Judge Port.
3/8/76	Filed certified copy of Decision of CCA reversing Order

DATE	PROCEEDINGS
1976	
May 6,	Filed copy of letter from A.U.S.A. Chalenski to Atty. Charles Avery
May 5	Over to next session of Court. Count 3 is severed.
May 7	Filed Bill of Particulars and Discovery Information as to Raymond D. Masciarelli
May 7	Filed Bill of Particulars and Discovery Information as to Lawrence Schultz
5/13	Filed Notice of Motion for Masciarelli & McGrath returnable May 24, Utica for Order to suppress evidence.
5/19	Filed Response to Notice of Motion deft. Masciarelli & McGrath.
5/24	Filed Notice of Motion to suppress evidence illegally obtained through wiretaps for deft. Schultz.
5/24	Motion to suppress-all suppression motions are referred to trial judge. Motion for discovery & Inspection -denied without prejudice to renewal by counsel before trial judge.
5/28/76	Filed Points & Authorities in support of motion to suppress on behalf of defts. Masciarelli & McGrath
6/8/76	Filed Government's Memorandum of Law opposing motions to suppress evidence obtained from wire interceptions
6/9/76	Filed Government's Supplemental Memorandum of Law opposing motions to suppress evidence obtained from wire interceptions.
6/3/76	Filed deft's Masciarelli & McGrath's Memorandum of Law in support of Motion to Suppress evidence obtained from wire interceptions.
6/29/76	Filed Memorandum of Judge MacMahon denying motion to suppress except deft. Abbadessa.
7/20/76	Filed Memorandum of Judge MacMahon
9/28/76	Filed Notice of Motion for deft. Masciarelli for an Order granting a continuance or a severance of deft. Masciarelli from Schultz, returnable 10/1/76.
10/5	Filed Notice of Motion to dismiss Indictment returnable Oct. 12, 1976 at Syracuse for Deft. Masciarelli.
10/22	Filed Memorandum in Opposition to Motion of Deft. Masciarelli to Dismiss the Indictment.
Oct. 26	Motion to dismiss - adjourned to Nov. 8, Syracuse.
11/8/76	Filed Supplemental Memorandum in Opposition to deft. Motion to dismiss
11/11/76	Filed Order signed by Sr. Judge Port dismissing Indictment.
11/9/76	All Parties argue their motions, Judge Port gives his findings of facts and conclusions of Law. This Indictment is dismissed as to both defendants. Judge Port to file Order with Clerk.
11/9/76	Filed Memorandum in support of motion of deft. Schultz to dismiss Indictment.
12/9/76	Filed Notice of Appeal by U.S. Atty.
1/17/77	Filed Notice of Motion and Affidavit in support of Motion for extension of time returnable 1/14/77.
1/17/77	Filed response in opposition to Gov't. application for extension of time.
1/17/77	Filed Order extending time for transmitting the record signed 1/17/77 by Judge Howard G. Munson.
3/23/77	Filed transcript of motions of Nov. 9, 1976
3/23/77	Sent certified copy of record on appeal.

INDICTMENT NO. 74-CR-144.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA	)	Criminal No. 74-CR- <u>144</u>
'v.	)	I N D I C T M E N T
RAYMOND D. MASCIARELLI, LAWRENCE SCHULTZ	)	Vio: 18 USC 2 and 1084(a)
	)	

COUNT I

THE GRAND JURY CHARGES:

From on or about the 12th day of April, 1974 to on or about the 24th day of April, 1974, in the Northern District of New York and elsewhere as set forth herein, RAYMOND D. MASCIARELLI being engaged in the business of betting and wagering, and LAWRENCE SCHULTZ unlawfully, wilfully and knowingly did use and did cause to be used wire communication facilities, that is the telephone, for transmission in interstate commerce between Munroe Falls, Ohio and Binghamton, New York of information assisting in the placing of bets and wagers on sporting events and contests;

In violation of Title 18, United States Code, Sections 2 and 1084(a).

A TRUE BILL

/s/ Richard Nichols
FOREMAN OF THE GRAND JURY

/s/ James B. Sullivan, Jr.
UNITED STATES ATTORNEY

INDICTMENT NO. 74-CR-144.

Form DJ-195
(Ed. 2-7-66)No. 74-CR-144

UNITED STATES DISTRICT **COURT**
NORTHERN *District of* NEW YORK
Division

THE UNITED STATES OF AMERICA
vs.

RAYMOND D. MASCIARELLI,
LAWRENCE SCHULTZ

INDICTMENT

1 Count

VIO: 18 USC 2, and 1084(a) - Interstate
transmission of wagering information.

A true bill,

H. Richard Nichols
Foreman.

Filed in open court this 18th *day*
of November, *A. D.* 1974

Clerk.

Bail, \$ _____

INDICTMENT NO. 74-CR-142.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA)

V.)

FRANK S. CANNONE, STANLEY A. RAPPUCCI,)
THOMAS A. GAETANI, JON N. ENGLISH,)
JOSEPH N. MARUCA, VINCENT N. CHRISTINA,)
ANTHONY R. SANTACROSE, JR.,)
RAYMOND D. MASCIARELLI, JAMES W. McGRATH,)
ANDREW J. QUINLAN and THOMAS J. ABBADESSA.)

Criminal No. 74-CR- 142

I N D I C T M E N T

Vio: 18 USC 2, 371,
1503, 1955.

COUNT I

THE GRAND JURY CHARGES:

From about January, 1974 and continuously thereafter up to and including the 17th day of June, 1974, in the Northern District of New York and elsewhere, FRANK S. CANNONE, STANLEY A. RAPPUCCI, THOMAS A. GAETANI, JON N. ENGLISH, JOSEPH N. MARUCA, ANTHONY R. SANTACROSE, JR., RAYMOND D. MASCIARELLI, JAMES W. McGRATH, ANDREW J. QUINLAN, THOMAS J. ABBADESSA and others, unlawfully, wilfully and knowingly did conduct, finance, manage, supervise, direct and own a part of an illegal gambling business, said illegal gambling business involving book-making, that is the giving and accepting of line information, wagers and lay-off on sports events and horse races, in violation of the laws of the State of New York (New York Penal Law, Section 225.00 and following) in which said business was conducted; said illegal gambling business involved, during the period aforesaid, more than five persons including those named herein and others not named herein, whose identities are known to the Grand Jury and others not named herein whose identities are unknown to the Grand Jury who conducted, financed, managed, supervised, directed and owned a part thereof and said illegal gambling business remained in substantially continuous operation for a period in excess of thirty days and had a gross revenue of \$2,000.00 in a single day;

All in violation of Title 18, United States Code, Sections 2 and 1955.

COUNT II

THE GRAND JURY FURTHER CHARGES:

From about January, 1974 and continuously thereafter up to and including the 17th day of June, 1974, in the Northern District of New York

INDICTMENT NO. 74-CR-142.

and elsewhere, FRANK S. CANNONE, STANLEY A. RAPPUCCI, THOMAS A. GAETANI, JON N. ENGLISH, JOSEPH N. MARUCA, ANTHONY R. SANTACROSE, JR., RAYMOND D. MASCIARELLI, JAMES W. McGRATH, ANDREW J. QUINLAN, and THOMAS J. ABBADESSA, unlawfully, wilfully and knowingly did combine, conspire, confederate and agree together with each other and with ANGELO A. BONTEMPO, DONALD GARREN, EUGENE D. SCHIAPPA, CARMEN DeLANZO, ROGER EVANEK, and JOYCE EVANEK, named as co-conspirators but not as defendants herein and with diverse other persons to the Grand Jury unknown to commit the following offense against the United States:

to unlawfully, wilfully and knowingly conduct, finance, manage, supervise, direct and own a part of an illegal gambling business as set forth in Count I herein, that is an illegal book-making business in violation of the laws of the State of New York in which said business was conducted and involving more than five persons who conducted, financed, managed, supervised, directed and owned part of said business which illegal gambling business remained in substantially continuous operation for a period in excess of thirty days, and had a gross revenue of \$2,000.00 in a single day, in violation of Title 18, United States Code, Section 1955.

OVERT ACT

In furtherance of the conspiracy and to effect the objects thereof, the defendants and co-conspirators performed the following overt act:

1. On or about the 8th day of March, 1974, in the Northern District of New York THOMAS A. GAFTANI and STANLEY A. RAPPUCCI spoke with each other by telephone, and in that conversation discussed their bookmaking business;

All in violation of Title 18, United States Code, Section 371.

COUNT III

THE GRAND JURY FURTHER CHARGES:

On or about the 24th day of October, 1974, in the Northern District of New York, JOSEPH N. MARUCA and VINCENT N. CHRISTINA unlawfully, wilfully and knowingly, corruptly and by force did endeavor to influence, intimidate and impede Angelo A. Bontempo, a witness who had been subpoenaed and who had

INDICTMENT NO. 74-CR-142.

testified on October 23, 1974 before a Grand Jury then empaneled in and for the United States District Court for the Northern District of New York which Grand Jury was then investigating alleged violations of the United States Code concerning illegal gambling business;

that is JOSEPH N. MARUCA and VINCENT N. CHRISTINA by beating Angelo A. Bontempo with their fists did injure the person of Angelo A. Bontempo on account of his having attended and testified before said United States Grand Jury and did thereby corruptly endeavor to influence, obstruct and impede the due administration of justice;

In violation of title 18, United States Code, Sections 2 and 1503.

A TRUE BILL

/s/ Richard Nichols
FOREMAN OF THE GRAND JURY

/s/ James M. Sullivan, Jr.
UNITED STATES ATTORNEY

INDICTMENT NO. 74-CR-142.

Form DJ-195
(Ed. 2-7-66)No. 74-CR-142

UNITED STATES DISTRICT COURT

NORTHERN District of NEW YORK

Division

THE UNITED STATES OF AMERICA

vs.

FRANK S. CANNONE, STANLEY A. RAPPUCCI,
THOMAS A. GAETANI, JON N. ENGLISH,
JOSEPH N. MARUCA, VINCENT N. CHRISTINA,
ANTHONY R. SANTACROSE, JR., RAYMOND D.
MASCIARELLI, JAMES W. MCCARTHY,
ANDREW J. QUINLAN and THOMAS J. ABADESSA.

INDICTMENT

(3 Counts)

18 USC 2, 371, 1503, and 1955 -
GAMBLING, CONSPIRACY, and
OBSTRUCTION OF JUSTICE

A true bill,

Richard Nichols
Foreman.Filed in open court this 18th day
of November, A. D. 1974

Clerk.

Bail, \$ _____

ORDER OF 11-10-76.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

74-CR-144

RAYMOND D. MASCIARELLI,
LAWRENCE SCHULTZ,

Defendants.

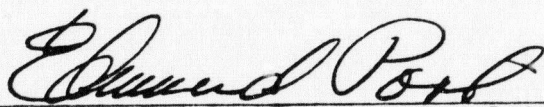
EDMUND PORT, Judge

ORDER

The defendants above-named having moved to dismiss the indictment and said motion having been heard and the court having dictated its decision on the record, it is

ORDERED, that the said motion to dismiss the indictment as against both defendants be and the same hereby is granted; and it is further

ORDERED, that the indictment be and the same hereby is dismissed in its entirety.


Senior United States District Judge

Dated: November 10, 1976
Auburn, New York

MOTION BY DEFENDANT TO DISMISS INDICTMENT.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

RAYMOND D. MASCIARELLI,
LAWRENCE SCHULTZ

Criminal No. 74-CR-144

The defendant moves that the indictment be dismissed on the following grounds:

1. The court is without jurisdiction because of the invalidity of movant Masciarelli's indictment given the Government's violation in this case of one of the wiretap provisions of the Omnibus Crime Control and Safe Streets Act of 1968, 18 U.S.C. Section 2517 (5).

St. Dante M. Scaccia

DANTE M. SCACCIA
Love, Balducci & Scaccia
Office & P. O. Address:
300 Wilson Building
300 South Salina Street
Syracuse, New York 13202

AFFIDAVIT.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

Criminal No. 74-CR-144

RAYMOND D. MASCIARELLI,
LAWRENCE SCHULTE

STATE OF NEW YORK)
COUNTY OF ONONDAGA) SS:
CITY OF SYRACUSE)

DANTE M. SCACCIA, being duly sworn, deposes and says:

1. He is the attorney for the defendant, Raymond D. Masciarelli, in the above entitled case against whom Indictment No. 74-CR-144 charging the defendant with violation of Title 18, United States Code, Sections 2 and 1084 (a), was filed on November 18, 1974, in the Northern District of New York.

2. The Government, by letter dated September 30, 1976, advised deponent that no subsequent application concerning the original intercept orders (involving different illegal gambling offenses) has been made by the government pursuant to Title 18, U.S.C. §2517 (5).

3. Therefore, deponent contends that since the government is in violation of Title 18 U.S.C. §2515, it was improper to submit such evidence before the indicting Grand Jury; and moreover, that the Government should be precluded from introducing in evidence at the trial of the above-identified case conversations obtained pursuant to the original Section 1955 orders and authorizations in the absence of complying with the mandate of Section 2517 (5).

AFFIDAVIT.

WHEREFORE, your deponent prays that the court dismiss the indictment and grant such other and further relief as is deemed proper.

S/ Dante M. Scaccia
DANTE M. SCACCIA

Subscribed and sworn to before me
this 4th day of October, 1976.

S/ Robert A. Traylor

ROBERT A. TRAYLOR
Notary Public in the State of New York
Qualified in Onondaga Co. No. 02TR462444
My Commission Expires March 20, 1978

TRANSCRIPT OF HEARING, 11-9-76.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

THE UNITED STATES OF AMERICA

VS.

74-CR-144

RAYMOND D. MASCIARELLI
and LAWRENCE SCHULTZ

TRANSCRIPT OF MOTIONS heard before
Hon. Edmund Port, United States District Judge, on the
9th day of November 1976 at the Federal Building,
Syracuse, New York.

APPEARANCES:

DANTE M. SCACCIA, ESQ.
300 Wilson Building
306 South Salina Street
Syracuse, New York 13202
Attorney for Defendant, Masciarelli.

JAMES P. SHANAHAN, ESQ.
422 University Building
Syracuse, New York 13202
Attorney for Defendant, Schultz.

THE CLERK: The United States of America versus Frank A. Cannone, et al.

MR. CHALENSKI: Ready for the Government, Your Honor.

MR. SCACCIA: I appear on behalf of the defendants, Masciarelli and McGrath.

MR. AVERY: I appear on behalf of the defendant, English.

THE COURT: I guess Counsel are aware of the problem in this case. It is that Mr. Boreanaz -- and is there any other attorney that is involved in this case? I think it is Mr. Boreanaz.

MR. SCACCIA: I think that's all, Judge.

THE COURT: He is involved in a murder case that is just going to the jury in Rochester, and it was a long trial, I understand. It went a number of weeks. The case is now under consideration by the jury. I don't think it is appropriate to ask Mr. Boreanaz to leave that case with the jury possibly coming in for instructions at any time. I think his client is entitled to have him there. There is no way to know when that jury will come in. So to accommodate Counsel, give them a firm date, I think it is reasonably certain that a verdict will be had

before the week is out sometime. Accordingly, the jury is ordered at 10 o'clock Monday morning, next Monday. That is November 15th in this Courtroom. All Counsel are instructed to be present with their clients. The Clerk is to advise Mr. Boreanaz.

Are there any Counsel that are not here other than Mr. Boreanaz?

MR. SCACCIA: Judge, on that point, Mr. DeSisti called me from Pennsylvania last night. He told me he had been advised by, I think, the Clerk or the U. S. Attorneys Office that he need not be here, but he would be on short notice in the event his presence is required today.

THE COURT: All right. The Clerk is directed to notify Mr. DeSisti as well. All defendants are instructed to be present 10 o'clock November 15th in this Courtroom.

MR. CHALENSKI: Thank you, Your Honor.

We are now in the enviable position of having two courts sitting at the same time in the district. The calendar call in Albany is scheduled for tomorrow. There is presently on that calendar call, this instant case, 74-CR-142.

THE COURT: That is the case that was just jury ordered?

MR. CHALENSKI: Yes, Your Honor .

THE COURT: All right. The Court can be advised by the Clerk of the disposition.

MR. CHALENSKI: Now, there is another Cannone case. It is a 1975 indictment having some common defendants, and Jeffrey Fisher of the Organized Crime Task Force is prosecuting that case. Would Your Honor have any suggestion as to how the Government should respond to the calendar call tomorrow?

THE COURT: I don't think it is for the Court to tell the Government how to respond to anything. It seems pretty apparent to me that while the Government has a different lawyer in charge of the case, the defendants have the same Counsel, haven't they, or at least some?

MR. CHALENSKI: There are only two or three defendants that are common, Your Honor, to both those cases.

THE COURT: Mr. Boreanaz is in that case too?

MR. CHALENSKI: Mr. Shanshan is, I believe, Your Honor. I don't believe Mr. Boreanaz is.

THE COURT: We will let the presiding Judge determine that. I don't know what the situation will be.

MR. CHALENSKI: Is there any preference to the Court as to whether those cases should be heard on this end of the district or in Albany?

THE COURT: I will let the trial judge determine that. If Judge Foley wants to hear them, they are before him.

MR. CHALENSKI: Thank you, Your Honor.

MR. SCACCIA: Excuse me, Your Honor. May the record show that my clients, Masciarelli and McGrath are both in the courtroom pursuant to written notice sent to them?

THE COURT: Yes. And the Cannone case that we are talking about that is jury ordered is what, 74-CR- --

MR. CHALENSKI: 142, Your Honor.

THE COURT: -- 142. All right, that is the only case that we are passing on at this time.

MR. CHALENSKI: Yes, Your Honor.
Thank you.

THE COURT: All right. And it won't be necessary for Counsel to appear in reference to the roll call of that case in Albany because the Clerk will advise the Court of the disposition.

All right. Now I have got this

motion that I adjourned from yesterday, and that is in --

MR. SCACCIA: 74-CR-144.

THE COURT: The United States against Masciarelli and Schultz. Is that right?

MR. CHALENSKI: Yes, Your Honor.

THE COURT: All right, I will hear -- and there is a Motion to Dismiss. And I said that I would entertain a Motion to Dismiss on papers on the part of the defendant, Masciarelli, and I said I would entertain a speaking motion on the part of the defendant, Schultz, Counsel having stipulated that the facts applied to both defendants. Is that correct?

MR. CHALENSKI: Correct, Your Honor.

MR. SCACCIA: Correct.

THE COURT: And the stipulation that was put on the record yesterday provides that -- let's see, my recollection is that evidence was obtained under a wiretap order granted by me alleging probable cause to believe the violation of Title 18, Section 1955, is that correct?

MR. CHALENSKI: That's correct.

MR. SCACCIA: That's correct.

MR. CHALENSKI: As well as Section 371, conspiracy.

THE COURT: And conspiracy, 371, to violate 1955.

In the course of that wiretap, a conversation or conversations were overheard which the parties stipulate relate to the offense named in the application and order for the wiretap, and as well, relate to an alleged violation of Section -- what is the other?

MR. SCACCIA: 1084A.

MR. CHALENSKI: 1084.

THE COURT: -- Section 1084 of Title 18, and it is stipulated by all the parties that the intercept related to both of those offenses, only one of which, the 1955 on the conspiracy to violate 1955 was set forth in the application and order. Is that correct?

MR. CHALENSKI: That's correct, Your Honor.

MR. SCACCIA: That's correct, Your Honor.

THE COURT: All right. Is there anything else that needs to be on the record in relation to this motion?

MR. CHALENSKI: Well, Your Honor, I believe I stated certain facts in my memorandum in

opposition to the motion. I believe all those facts are a matter of record. That is, that the indictment in both the instant case 74-CR-144 as well as the indictment in the Cannone case, were returned on the same day and by the same Federal Grand Jury.

THE COURT: I don't know that that ~~appear~~, but if it is a fact --

MR. SCACCIA: It is a fact, of course, I will accept it, Judge.

THE COURT: Is that correct, Mr. Shanahan?

MR. SHANAHAN: Yes, Your Honor.

THE COURT: All right.

MR. SHANAHAN: Your Honor, I have made certain allegations in a brief that I provided last night, and the basis of those facts were disclosure materials that were provided to me as to certain conversations in the transcripts of those conversations. I would think that those conversations would be the basis for the motion relative to the defendant, Schultz. I don't believe they are properly before the Court this morning.

THE COURT: Well, isn't the question ~~that~~ I have to determine, the narrow question of whether evidence derived from a wiretap that relates to the

offense alleged in the application and order and relates to the indictment to which the Motion for Dismissal is directed as well can stand, whether such an indictment can stand?

MR. SCACCIA: Yes, I think that states it correctly.

THE COURT: That is the narrow issue, is it not?

MR. CHALENSKI: Yes, Your Honor.

THE COURT: All right, then I will hear it.

MR. SCACCIA: Judge, if I may just ask the Government to stipulate one fact which it sets forth in its brief and its supplemental brief, and we would be willing to stipulate that as a fact, the only mention in any of the applications for any of the orders, MP15, 16, 17 or --

THE COURT: I am dealing with what, MP15?

MR. SCACCIA: MP16, I believe, Judge, which is dated April 16th, 1974.

THE COURT: All right.

MR. SCACCIA: I invite the Government to stipulate with us and join with us and stipulate that the only mention in any of those papers with respect

to a 1084 violation occurred on April 16th, 1974 in the five day report to Your Honor which was part of an application by the United States Attorney, that it occurred in paragraph six of the said fifth day report, and I won't set it forth in full. It is set forth in the Government's supplemental brief.

THE COURT: Well, if I understand the stipulation as being proposed is to incorporate in the stipulation of facts, the paragraph, a stipulation that the paragraph set forth in the supplemental memorandum in opposition as paragraph six of the fifth day report was in fact incorporated in that fifth day report. And that is what the Government is relying on, is it not?

MR. CHALENSKI: That's correct, Your Honor. We are reluctant to enter into a stipulation such as the defense Counsel proposes. I have no objection to making the entire affidavit, wiretap order and application a matter of the record.

THE COURT: Well, this is what has been pointed out to me.

MR. CHALENSKI: That is all at this time, Your Honor.

MR. SCACCIA: Judge, my point is, I am just trying to narrow the evidence. My search indicates

it is the only reference.

THE COURT: I don't know whether it is or not, and I don't intend to search the record at this time. If there is something else that you think should be pointed out to me -- but this can go on indefinitely. This incident or this particular paragraph was not pointed out till we are ready to hear the motion, the argument yesterday. This is not going to be an open-ended affair. I have got to act on something. I am accepting the Government's contention that this paragraph was in fact part of the fifth day report, and Counsel don't dispute it. All right.

MR. CHALENSKI: Thank you, Your Honor.

THE COURT: All right, I will hear you.

MR. SCACCIA: May it please the Court, our contention is that the only mention and the only disclosure made to Your Honor in any of the reports, in any of the applications, including MP15, 16 and 17, direct or indirect, was simply paragraph six of MP16 which is the April 16th, 1974 application and the fifty day report to Your Honor as part of that application. The short of it is, we contend that on the authority of The United States against Broadson and United States against Marion, the Second Circuit decision which cited

this approval, that the Government is required under the act, any time there is a positive authorization situation where the intercept pursuant to the previous order underlying the intercept produces evidence of an offense, we argue, whether Federal or State, other than the offense specifically set forth in the application in the Court which are authorized, the wire intercept, that before the Government may use any of that evidence other than between police agencies, for example, we don't argue that one F.B.I. agent can't tell a special investigator of the State Police about the --

THE COURT: We are not concerned with that. We are concerned with the disclosure before a Grand Jury.

MR. SCACCIA: Yes, with respect to the Grand Jury, the Government may not present any of that evidence or use any of them evidence before the Grand Jury or at a trial, and we argue that the language of the statute is explicit and it speaks in terms of proceeding, and both Broadson and Marion particularly rule that clearly, a Grand Jury proceeding is encompassed within the concept of proceeding and based upon the Government's disclosure to us, both by this Court and by letter to us, that information was presented to the Grand Jury which returned Indictment Number 74-CR-144.

We argue that the indictment must be dismissed because it is a failing defective practice on the part of the Government not having made any application to Your Honor or to any court or magistrate at any time up to this date, insofar as we know, Judge, and it is now two years since the indictment was returned.

MR. SHANAHAN: I don't have anything to add to that, Your Honor, other than what is contained in my brief.

THE COURT: And I think for the purpose of the record, it might be well if you would make the speaking motion which I permitted you to make.

MR. SHANAHAN: Yes, Your Honor, I would move that the information derived as a result of that tap be suppressed, and on the basis of that, presumably, the proper procedure then would be to dismiss the indictment.

THE COURT: All right.

MR. CHALENSKI: Your Honor, the Broadson decision is not really distinguishable from the instant case. Marion has held that that is applicable in this circuit. The Government is aware of that. And our argument really is that Broadson is wrong, that the extension into the facts as they are presented before you leads to an absurdity. Broadson referred to Section

2517, three and five, in support of its conclusion that disclosure of communications received from the Court during the course of a wiretap to a Grand Jury requires a further Court order. Section 2517,3 provides that a person may disclose information when it is received in accordance with Title 3, Section 2517,5. It says that where the interception relates to offenses other than those specified, a Court order is required. But the whole extension to the instant case is that the disclosure to the Grand Jury was proper. The Grand Jury was investigating a violation of Section 1955 at the time. It was also investigating a violation of Section 1084. The determination of what, really, they were going to vote on is made at the time that they returned the indictment. That was on November 18th.

THE COURT: You were surprised when they returned indictment charging a violation of 1084?

MR. CHALENSKI: Certainly not, Your Honor. We had to sign that indictment. It was a procedure established --

THE COURT: You had to prepare it?

MR. CHALENSKI: Yes, Your Honor.

THE COURT: And you had to explain the law to them?

MR. CHALENSKI: But we didn't have to do that before the compensations were disclosed to them.

THE COURT: You had to do it at some time before they returned that indictment or they wouldn't know about it.

MR. CHALENSKI: Correct, Your Honor, but Section 3 says that it may not be disclosed -- excuse me. Paragraph 3 of Section 2517, and the Government argues that the disclosure in this case was proper, and there is nothing else in Title 18 that says once it is properly disclosed it may not thereafter be used by the Grand Jury in determining what section they shall return the indictment on. The Broadson case didn't have that sort of fact before them when they decided that a violation of 1955 or evidence obtained in pursuing a violation of 1955 could not be disclosed. There is nothing in the Broadson case which shows the Court that the Grand Jury there was considering both statutes. I can only believe that the judge didn't really realize the absurd conclusion that their holding would reach.

THE COURT: Well, Broadson dealt with precisely the same two sections. Just as you say, it can't be distinguished from the factual situation here.

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What you are telling me is what you said initially, I can forget about Broadson because it is wrong.

MR. CHALENSKI: Yes, Your Honor, that it is absurd.

THE COURT: But the circuit court in the 7th Circuit handed down an absurd decision, but of course, I may think that professors in law schools may write about it and charge them with that. Counsel can charge them, but a district court judge is pretty much limited to thinking about that to himself, isn't he?

MR. CHALENSKI: Well, Your Honor, the 7th Circuit is not controlling. I am sure you are aware of that.

THE COURT: I am certainly aware of it. I am also aware that they are persuasive and that I am aware of that fact that the 2nd Circuit writing through the chief judge in Marion seemed to bestow its blessing on Broadson without any preservation.

MR. CHALENSKI: Almost as explicitly as he could, Your Honor.

THE COURT: I am aware of this, that as a subordinate judge, I am bound by the 2nd Circuit, so that it is foolish for me to speculate about what my thoughts might be or even what my ruling might be if

the situation were handed to me as an initial or virgin presentation. It isn't any longer, that is the problem that you face.

MR. CHALENSKI: Yes, Your Honor, but the Government does contend that the Marion reliance upon the Broadson case was dicta in that case. They did not have to reach that to reach the holding that they did, but they did put very strong dicta in their case affirming Broadson. We argue that there is room in the Marion decision to hold contrary to Broadson, that Broadson is not controlling in this circuit and that Your Honor may find that the conversations in this case were properly used by the Grand Jury in returning an indictment.

Your Honor, the second -- well, there are other issues in this case which we raised in our main brief relating to the dismissal of the case, because improper evidence was represented to the Grand Jury. We argued that Calantra provides that there is no dismissal. We also argued that the definition of proceedings in Section 2517,3 does not include a Grand Jury. And I am not going to go into any more detail about those, but in my brief to secure a decision based on those grounds would probably be a hollow victory because more than two years has gone by since

the interceptions were disclosed, and Section 2517,5 provides that a further order shall be obtained as soon as practicable. It may be that two years is not as soon as practicable, Your Honor. The argument which we raised yesterday, however, does distinguish Broadson and Marion in the fifth day report, an MP16, the package of affidavits, applications, orders and reports that were involved in the interception in this case. Your Honor was advised of facts which show that an interstate call was placed between Binghamton, New York and Ohio, and that line information was transmitted pursuant to that call. The Tortorello decision in the 2nd Circuit considered a somewhat similar factual situation, also Marion and also United States v Moore in the District of Columbia circuit. The only difference between all those three decisions and the instant case is that the factual decision of which the judge was apprised was included in the affidavit in support of a further order. But there are great similarities other than that difference, Your Honor, and I would strongly urge that the fifth day report in this, setting forth those facts, should provide a basis for showing that Your Honor approved the intercept for the purpose of a Section 1084 violation. In particular, in U.S. v Tortorello in this circuit, the Court stated

that it is undisputed here that no formal hearing was held to amend the orders after the surveillance team discovered evidence of securities fraud involving the Underwriter's Investment Company. The issue is whether it was enough for the law enforcement officers to inform Justice Sweitzer in the supporting affidavits for renewal and extension of the order that they had intercepted certain conversations dealing with the fraudulent scheme.

Now, Tortorello was a state court case. The officers involved in it could not advise the judge of a specific Federal statute that was involved. They were concerned only with State statutes. In that case it was grand larceny. But what they did advise the judge of was facts showing that there was a stock fraud scheme that was being pursued. The Tortorello court held that the advice to the judge was sufficient to hold that Section 2517, 5 was complied with. And in an analogous decision under the State law, in particular, the relevant comparison points are that in Tortorello, no statute was cited to the Court. They didn't cite a Federal stock fraud statute. They merely used the words, the terminology that a stock fraud had been contemplated or violations had been discovered. There was no change in the order issued by the judge in

that case to show that a stock fraud scheme was one of the crimes for which the interception was authorized. There was nothing to indicate that the judge read or understood or approved of the statements in the affidavits before him regarding the stock fraud schemes. And the Marion decision cited Tortorello with approval, reaffirmed it as good law, and the Moore decision, a portion of which I quoted --

THE COURT: They also distinguished it on the ground that the Court had affirmatively approved and authorized it. Didn't they?

MR. CHALENSKI: Yes, Your Honor, but we assert the affirmative approval still was tacit, Your Honor. There was nothing expressed relating to that language. The Moore, and I quoted the language in my brief which I won't repeat here, which is to the same general effect. Now, here the Court was presented with a fifth day report. In reviewing the fifth day report, Your Honor had the choice of permitting the wire interception to continue or to terminate it. Section 2518,6 of Title 18 provides that whenever an order authorizing interception is entered pursuant to this chapter, the order may require reports to be made to the judge who issued the order showing that progress had been made toward the

achievement of the authorized objective and the need to continue the interception.

That in the order authorizing the interception in this case, had a paragraph requiring that five and 10 day reports be provided to him, this was at day four of interception, showing what progress has been made toward the achievement of the authorized objective and the need for continued interception.

We submit, Your Honor, that in not terminating the interception when you received that fifth day report, that you did the same thing that the courts in Tortorello and Marion and Moore did, that the interception was allowed to continue, that you had facts before you which showed that the violation which is prosecuted in this case actually did occur, and notwithstanding, that allowed further interceptions. And we argue that by that, you tacitly approved the interception and disclosure for the purposes of 2517,5 in the same manner that Tortorello, Marion and Moore did.

I believe that covers the points.

MR. SCACCIA: May I just say one word, Your Honor?

THE COURT: Yes.

MR. SCACCIA: I suggest that the

Government's reliance on Tortorello is misplaced. In Tortorello there were at least four separate, distinct, complete lengthy detailed applications by way of amendment to the State Court judge.

THE COURT: Extensions?

MR. SCACCIA: Excuse me. Four extensions, Your Honor, and in each of those applications, the prosecutor set forth in great detail the nature and the substance of the conversations related --

THE COURT: They set forth the interceptions themselves. Didn't he set forth a transcript of the conversations?

MR. SCACCIA: That's correct, Your Honor, and moreover, the 2nd Circuit in Tortorello clearly stated that among other things, number one, that the State crime of grand larceny which is under investigation on an authorized basis by a State Court order, authorization order, was sufficiently broad in its scope to include the stock securities frauds which were Federal offenses, and moreover, that there was not an equivalent Federal offense to the grand larceny as such, and given that, there would be a full, complete disclosure to the judge and in great detail. And on at least four occasions, the circuit court concluded that

by implication of those, the judge had explicitly -- excuse me, tacitly approved of the application. That is not present here, Judge. There is no mention at all of a 1084 violation. But there is a separate and distinct Federal offense, 1084, in addition to the 1955 offense. And my argument is that the Government is bound by the disclosures and the characterizations that they themselves made to the Court in its application for the initial authorization together with these amendments and extensions, and I am arguing as strongly as I can that we are entitled to a dismissal on the merits given Broadson and Marion.

MR. SHANAHAN: Your Honor, the only thing I would like to add, that in that fifth day report, a crime is not alleged, when in fact it could have been. Now, there was detailed discussion in the transcripts provided to me of the actual line. And subsequent to that date, the 12th, there were lines given on the 13th, 14th and 15th which were prior, and they could have been included in the 10th day report. It is conceivable that on the face of the fifth day report, that no crime was set forth, merely arrangements as to how information could be acquired, when in fact, the information was transmitted because the line at the tail end of the conversation was

presence.

MR. CHALINSKI: Your Honor, we submit that a crime is shown to have been discussed in paragraph six, line information in return for payment of a fee. Now, certainly, it shouldn't be the weight of transcripts that is brought before Your Honor that should determine whether there is sufficient evidence of a crime.

THE COURT: Well, the matter is before me on stipulated facts. That is what it is going to be decided on. All right, gentlemen, the motion was made. I reviewed the few cases that were involved. At the return of the motion yesterday which was presented with this supplemental memorandum of the Government introducing a new facet, I felt that it was only fair that the defendants be given an opportunity to reply to it, and that the Court as well be given an opportunity to analyze the facts as they appeared in view of the new contention of the Government. The motions are motions by two defendants who are charged in indictments numbered 74-CR-144 --

MR. SCACCIA: Yes, Your Honor.

THE COURT: With a violation of Title 18, 1084, the transmittal by interstate facility of gambling information. The basis on which the

dismissal is sought, and it is conceded as a fact by the Government, that the indictment in question was found by the Grand Jury as a result of the disclosure to them of information obtained pursuant to my wiretap order identified as MP16. It further appears without dispute that MP16 was issued by me on an application of the Government setting forth probable cause to believe the commission by the named subjects of offenses other than a violation of Section 18, 1084, namely, violations of Title 18, 1955, and conspiracy to violate that statute, a violation of Title 18, United States Code Section 371. So that the factual situation is not in dispute at all. But in substance, a wiretap order was granted to obtain evidence concerning the commission of one offense, evidence is obtained of another offense, although it would also be evidence of the offense for which the wiretap was submitted or ordered, and that evidence is used to obtain an indictment of a non-related offense. Now, as I indicated in the course of the arguments, there is no sense in my speculating as to what I would do if the case were presented to me without any precedent which I considered binding on me, or as Judge Kaufman would say, if I were writing on a clean slate. It doesn't make any difference what I would do under those

circumstances. These are not the circumstances. The circumstances, as the Government concedes, that under the identical or substantially identical and distinguishable factual situation, in the U.S. against Broadson, 523 F2d, 214, 7th Cir. 1975, the Court dismissed the indictment. The indictment in Broadson, the wiretap was authorized under the same statute that it was authorized in this case. Their indictment returned charged a violation of the same statute that the indictment returned in this case charges. The Government contends that Broadson is wrong, initially. Of course, that comes too late addressed to this Court, because as the Government concedes in The United States against Marion, 535 F2d 697, 9th Cir., 1976, Broadson is cited repeatedly with approval. And in fact, I think that an analysis of the Marion case indicates that it was in fact followed by dismissing two of the counts, I believe. And two counts were dismissed on the basis in Marion seeking support from Broadson. That is, in Marion there were two wiretap orders, one was issued on the lounge order. That related to some truck wrecking devastation that was going to be occurring, the destruction of some trucks as part of an extortion plan. And the evidence before the Grand Jury relating to that wiretap and the indictment

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resulting from that evidence was upheld on the ground that in fact its disclosure and use had been approved by a judge. That was count three. They found that it was approved by the numerous, or at least one extension -- no, there were numerous extension orders. As to counts one and two which resulted from the so-called Delmonico wiretap and related to possession of dangerous weapons, there being no such approval and authorization subsequent to interception, the Court dismissed those indictments saying that there was no determination by a judge concerning whether the interception used was incidental and in good faith to the order. So that they seem to follow Tortorello in that case by upholding count three and Broadson by dismissing counts one and two.

The government next takes the position that even if Broadson is singly adopted by Marion is correct, the instant case is distinguishable on the facts, and for that purpose it relies on the five day report to the Court. Now, I can't accept that as being an authorization or approval. That is, the fact that this report was given to me at the fifth day telling me, not what the conversation was, that is, not verbally, but telling me that there was a conversation

TRANSCRIPT OF HEARING, 11-9-76.

between these two phones at these points concerning a fee for line information, just telling me that, that constituted my approval. Now, I don't do anything on that five day report, but the Government says that by not doing anything and permitting the tap to continue, that constitutes authorization and approval. It is difficult to follow that argument, ingenious as it might be, because the conversation as reported in the five day report supports and provides evidence for the offense for which I granted the wiretap, and that is conceded by all the parties. So when evidence is submitted to me at the end of five days showing that a tap was at least successful in part in establishing the offense for which it was granted, but requires further information to determine who Ray Mills is and who the other person is, I think I would be hamstringing the investigation unnecessarily and perhaps unlawfully if I stopped it at that point.

The Government certainly had an interest in continuing that tap to determine who Ray Mills is. It turns out that Ray Mills, I am told, subsequently develops into Mascarelli and the speaker at Alton is Schultz. So that it is hard to say that by merely permitting the tap to continue that the judge was authorizing this unrelated offense, evidence

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concerning this unrelated offense. It is particularly hard when you look at the section involved. Section 2517 Sub. 5 provides that the use of this evidence can be had when it is authorized and approved when the judge finds -- and this is a quote, "When the judge finds on subsequent application, contents or otherwise intercepted in accordance with the provisions of this chapter --". Now, how a judge is going to find from that paragraph in that letter, make a finding in accordance with the requirement of the statute, I don't know. Further, I think that since the statute has been held to be strictly construed, it talks about a subsequent application, on a subsequent application following a five day report is complying with the order in the first instance. It is not a subsequent application by any manner or means. I think the Government makes another ingenious argument. But I think it overlooks -- it is only in part a valid argument when the Government contends that in presenting this evidence to the Grand Jury, they weren't disclosing evidence of a non-related crime, but they were disclosing evidence of the offense authorized by the wiretap, and it was the amazing perspicacity of the Grand Jury that discovered that there was another crime incipient in the conversation. And even if they were

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right there, the statute doesn't only prevent its disclosure, it prevents its use. And certainly, if it is the basis of an indictment, it is being used as well as disclosed.

So that for all the reasons I have stated, and in feeling persuaded or feeling I must treat Broadson as persuasive, feeling that the Marion case indicates to me in unmistakable language that Broadson is to be followed in this circuit, I feel obliged to dismiss. Grant the motions to dismiss the indictment as to both defendants. I think it should appear on the record that the conduct of the assistant United States attorney in this case was to be commended. He appeared before me in some of the earlier proceedings in connection with this motion, that the motion had its origin and initiation through the disclosure by the prosecutor of the cases which support the dismissal of the indictment, and that the disclosure to the defendant's counsel, I think that that is in the highest tradition of the prosecutor's duty. And while it cost the Government in this particular instance, the prosecution, if I should be right, if I am wrong, it is afforded the opportunity to test the matter without being involved in double jeopardy. I think in any event, it does credit to the United States attorney and

it supports the statement in one of the cases, the name of which I can't recall offhand, that the Government prevails when justice is done.

MR. SCACCIA: I think it is United States against Berger, Judge.

THE COURT: I think it is. Thank you.

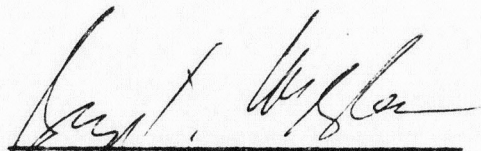
I will prepare an order based on the decision dictated on the record.

MR. CHALENSKI: Thank you, Your Honor.

MR. SCACCIA: Thank you, Your Honor.

CERTIFICATION

I, George T. McGloine, Official
Court Reporter for The United States District
Court in and for The Northern District of New
York, do certify this to be a true and accurate
transcript of the stenographic record of the
foregoing taken at the time and place noted in
the heading hereof.



George T. McGloine
Official Court Reporter
United States District Court
Northern District of New York

Albany, New York

March 20, 1977

MP-15 AFFIDAVIT, APPLICATION, ORDER.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

In the Matter of the Application of the
United States of America for an Order
Authorizing Interception of Wire
Communications

MP15

AFFIDAVIT

ROBERT R. HAZELWOOD, being duly sworn deposes and
says:

1. I am a Special Agent of the Federal Bureau of Investigation, and as such, I am an "investigative or law enforcement officer of the United States" within the meaning of Section 2510(7) of Title 18, United States Code, that is, an officer of the United States who is empowered by law to conduct investigations of and to make arrests for the offenses enumerated in Section 2516 of Title 18 of the United States Code; and I have been a Special Agent of the Federal Bureau of Investigation since 1971, and during that time, I have participated in approximately 45 investigations concerning illegal gambling enterprises. I have been assigned to the Binghamton, New York Resident Agency of the Federal Bureau of Investigation since February, 1973.

2. I submit this affidavit in support of an application seeking authorization to intercept wire communications pertaining to offenses involving violations of Section 225.05 of the Penal Laws of the State of New York, and thereby, violations of Sections 1955 and 371 of Title 18, United States Code, which offenses have been committed by Stanley A. Rappucci, Frank Salvatore Cannone, Angelo A. Bontempo, Jon W. English, Joseph W. Maruca, Bennie Musso, Joseph Romeo and Thomas A. Gaetani, with a headqu

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at 708 Front Street, Vestal, New York, and a wireroom at 52 Rotary Avenue, Binghamton, New York.

3. Since April, 1973, I and other Special Agents of the Federal Bureau of Investigation, together with officers of the New York State Police, Kirkwood, New York, have been conducting an investigation into these offenses at the above-mentioned locations. From my personal participation and supervision of the aforementioned investigation, and upon my review of reports submitted to me by other Special Agents of the Federal Bureau of Investigation and officers of the New York State Police, I am familiar with the following facts and circumstances and state that probable cause exists to conclude that:

(a) Stanley A. Rappucci, Frank Salvatore Cannone, Angelo A. Bontempo, Jon M. English, Joseph N. Maruca, Bonnie Musso, Joseph Romeo and Thomas A. Gaetani, all from the Binghamton, Endicott, Johnson City or Vestal, New York, area, are conducting, financing, managing, supervising, directing, or owning all or part of an illegal gambling business in violation of Section 225.05 of the Penal Laws of the State of New York, and Sections 1955 and 371 of Title 18, United States Code.

(b) The wire communications of the individuals named in paragraph 3(a) above, and others as yet unknown, concerning the above violations, will be obtained through wire interceptions, authorization for which is applied herein.

(c) In view of the residential nature of the neighborhood, and the difficulty of physical surveillances at 52 Rotary Avenue, Binghamton, New York, normal investigative procedures appear unlikely to succeed if tried.

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(d) The premises known as 52 Rotary Avenue, Binghamton, New York, are resided in by the Thomas A. Gaetani family and Clara MacClary. The residence is a two-family, two-story, frame dwelling that is painted blue and white. It is situated in a well-established residential neighborhood and is on the west side of Rotary Avenue. The residence is owned by Saracino Gaetani, 14 Thompkins Street, Binghamton, New York, according to the records of the Binghamton, New York, Treasurer. The phone located in the Gaetani residence, number (607) 729-1401, is being utilized for the purpose of obtaining odds on sporting events from New York City, laying off large bets to New York City, and accepting wagers from local bookmakers and bettors. This phone is being utilized by Frank Cannone, Joseph Maruca, Jon English, Stanley Rappucci, Joseph Romeo, Angelo Bontempo, Thomas Gaetani and Bennie Musco in the conduct of an illegal gambling business.

4. INFORMANT INFORMATIONSOURCE I

The tri-city area mentioned by the following informants consists of Binghamton, Endicott, and Johnson City, New York.

(a) For over two and one half years, Source I has been conferring at least once a month on a confidential basis with Special Agents of the Federal Bureau of Investigation, and since February, 1973, has been providing information to Special Agents Robert W. Kennedy or Robert R. Hazelwood. Source I, a self-admitted bookmaker, has provided Special Agents Kennedy and Hazelwood with voluminous and detailed information regarding gambling operations in the tri-city area. Where independent verification by Special Agents Kennedy and Hazelwood has been possible, the information provided by Source I has been proven to be extremely accurate. No Special Agent contacting Source I in the last two and one half years has ever had any indication that Source I's information was false or erroneous.

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(b) All of Source I's information, which is set forth below, concerning the gambling business directed, managed, financed, and supervised by Stanley Rappucci, was obtained through personal conversations with Rappucci and/or bookmakers who are actively engaged in a gambling business with Rappucci. Source I has stated unequivocally that he will not testify in any court proceedings pertaining to these matters.

(c) In June of 1973, Source I advised Special Agent Hazelwood that he had recently observed Rappucci in the company of three individuals personally known by Source I to be gamblers, and another individual personally known by source to be a bookmaker. Source I also advised that he has learned in personal conversations with individuals whom Source I personally knows to be bookmakers, that Rappucci is reputed to have the only "line" available in the tri-city area. Source I stated that he knew that Rappucci used to live in Endicott years ago, but moved to Boston, Massachusetts, because of trouble with local gamblers. Source I also advised that from conversations with persons he knows to be betters or bookmakers and associates of Rappucci, that Frank Cannone is a silent partner in Rappucci's gambling business activities. The affiant knows that the term "line" refers to handicapping by individuals to determine odds on a given sporting event.

(d) In mid-July, 1973, Source I advised Special Agents Kennedy and Hazelwood that in personal conversation with Stanley Rappucci, within the last few days, Rappucci advised him that football action is slated to begin in the tri-city area in the next three weeks and that Rappucci will have a good "line" for the action. Rappucci informed Source I during that conversation that he gets his line from New York City.

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(e) In mid-August, 1973, Source I advised Special Agents Kennedy and Haselwood that Stanley Rappucci telephonically contacted him within the previous ten days and told him that he, Rappucci, is now accepting bets on pro football pre-season exhibition games and that the telephone number where he is accepting these bets is (607) 754-6933. Rappucci informed Source I that he will accept action up until the start of the game and that there is a 20 percent "vig"; i.e. to win \$100 on a certain game, a bettor must put up \$120.

On February 13, 1974, Special Agent Clark F. Hurley served a subpoena upon the New York Telephone Company at Albany, New York, for the identification of the subscriber to telephone number (607) 754-6933. Service was established at 708 Front Street, Vestal, New York, in the name of Patricia Savoy, on July 11, 1973. On August 13, 1973, the service was changed to the name of Stanley Rappucci at the same address, and said telephone number is ^{EPN} now published.

(f) Source advised Special Agent Kennedy in mid-October, 1973, that Rappucci had spoken to him telephonically during the past week and had advised him that he, Rappucci, had moved to Front Street in Vestal, New York, and was continuing his wireroom operation from that location and utilizing telephone number (607) 754-6933. Rappucci advised Source I that he was closing at 8:00 p.m. on Monday evenings and 1:00 p.m. on Sunday for East Coast football games, but that he operates until 4:00 p.m. on Sundays for West Coast games. Rappucci advised Source I that when betting with him, he was to utilize the following code: fifty cents equals one dollar; one dollar equals one hundred dollars; ten cents equals one thousand dollars; five cents or five dollars equals five hundred dollars. Source advised that Rappucci told him that he gets his wagering line from New York City and that he settles up with bettors usually on Wednesdays at a location mutually agreeable. Source

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stated that Rappucci told him "if they can't come to me, I go to them". Source advised that the following individuals, whom Source I knows to be bookmakers, told him in mid-October that they give their action to "Stan", Jon English, Joe Maruca, Bonnie Russo and Angelo Bontempo.

(g) Source advised Special Agent Kennedy in mid-November, 1973, that Rappucci informed source that telephone number (607) 774-1409 is to be utilized in conducting gambling business. Rappucci advised source that a better calling this number would hear a female voice saying, "Answering service", that the better leaves his number and a short time later Rappucci will call the better and the wager is placed.

On February 13, 1974, Special Agent Clark F. Hurley served a subpoena on the New York Telephone Company at Albany, New York, seeking subscriber information for telephone number (607) 774-1409. Service was listed as Page Boy System, care of Tri-City Answering Service, at 116 State Street, Binghamton, New York.

In early December source advised Special Agent Kennedy that during the weekend of November 30, 1973, to December 1, 1973, he called in bets to (607) 774-1409 and that Frank Cannone handled the wagers, via the answering service, in that Stanley Rappucci was on a gambling junket to Venezuela. Source I further advised that Rappucci went to the answering service because of a raid by the Federal Bureau of Investigation on November 17, 1973, in Radicott, New York, in connection with football parlay tickets.

In early December, Source I advised Special Agent Kennedy that shortly after December 1, 1973, Rappucci advised source that he was now accepting wagers on college and professional basketball on (607) 734-6933 and that he will operate his gambling business

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each night that such a game is played. Source advised that during the latter part of November, 1973, he placed over \$10,000 in wagers with Stanley Rappucci.

(h) In mid-December, 1973, source advised Special Agent Kennedy that Rappucci told source that he is again utilizing phone number (607) 754-6933 to accept wagers. Source also advised that Rappucci is accepting bets on college and professional basketball, as well as football. Source advised that, during the first week of December, 1973, he wagered on basketball games with Rappucci on each night that professional basketball was played.

In mid-December, 1973, Source I advised Special Agent Kennedy that Rappucci had told him that he gets action from Elmira, Auburn and Ithaca, New York, and that he intends to handle bets on horses, basketball and baseball.

(i) In late December, 1973, Source I advised Special Agent Kennedy that he had wagered over \$300 with Rappucci during the recent holidays over telephone number 754-6933. Source further advised that he had telephoned over \$1,000 in wagers to Rappucci on a professional football game during late December, 1973. In late December, 1973, Bennie Musso advised source he was receiving the wagering line from Rappucci and booking sports action for Rappucci utilizing telephone number 754-6933.

Source advised that Joe Romeo had, in the last week of December, 1973, told him that he had been booking action for Rappucci, and calling it in on telephone number 754-6933.

In early January, 1974, source advised Special Agent Kennedy that he wagered large sums with Rappucci over telephone 754-6933 for each of the holiday professional and collegiate football games.

In mid-January, 1974, source advised that he had wagered in excess of \$500 of football and basketball action with Stanley

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Rappucci over telephone number 754-6933 and that the last date on which he had done so was January 13, 1974. Source, in this same conversation, further advised that in recent conversations he has had with Rappucci and other betters and/or bookmakers, he had determined that Joseph Romeo, Bennie Musso, Angelo Bontempo, Jon English and Joseph Maruca are handbooks for Stanley Rappucci and Frank Cannone and telephone the wagers into Rappucci or Cannone over telephone (607) 754-6933.

On January 22, 1974, source advised Special Agent Hazelwood that Stanley Rappucci told him on January 21, 1974, that the new wireroom telephone number is (607) 729-1401. Source called that number and placed bets with Rappucci. Rappucci advised the source that "Slab" would be taking the bets in the future. Source advised on January 22, 1974, that Jon English and Joe Maruca told him on January 20, 1974, that they had sixty steady betting customers between them and that they gave the action to "Slab" over telephone number (607) 729-1401.

On January 28, 1974, source advised Special Agent Kennedy that on January 27, 1974, he wagered on basketball games with Rappucci by calling telephone (607) 729-1401 and talking to "Slab".

On February 13, 1974, Special Agent Clark F. Hurley served a subpoena on the New York Telephone Company at Albany, New York, seeking subscriber identification for telephone number (607) 729-1401. Service was established at 52 Rotary Avenue, Binghamton, New York, on January 7, 1974, in the name of Thomas A. Gaetani, and is ^{not} non-published.

Source advised Special Agent Kennedy on January 28, 1974, that he learned from Angelo Bontempo, Bennie Musso and Joe Romeo, within the past two days, that they receive 10% of the first \$500 of any bets placed with them and called into Rappucci. The source further stated that Rappucci has recently changed his "vig". The

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affiant knows that "vig" refers to a margin of profit earned by the bookmaker for acting as such. In football he operates on a 20% "vig". For basketball, he dropped the "vig" to 10% but has adjusted the spread. For example, the spread may read "9-7", so that if the bettor wagers on the favorite to win, he gives nine points to Rappucci, which is added to the score of the underdog. If the bettor wagers on the underdog to win, Rappucci only gives the bettor seven points, which is added to the score of the underdog.

Source advised Special Agent Kennedy, on January 28, 1974, that the total weekly handle for this gambling operation is in excess of \$60,000 and that he bases this figure on the fact that Rappucci's wireroom is the only one in operation in the Tri-City area.

Source advised Special Agent Kennedy on February 11, 1974, that "Slab" has been answering telephone number 729-1401 as recently as February 10, 1974, and that "Slab" continues to work for Stanley Rappucci. Source stated that "Slab" frequently mentions "Stan" over the phone in connection with clearing big bets. Source stated that as recently as February 10, 1974, he had called in excess of \$1,000 wagers on professional basketball to "Slab" using telephone number (607) 729-1401. Source advised that on February 10, 1974, Angelo Bontempo told him that he is still calling in action to Stan over telephone number (607) 729-1401 and that although he has not personally spoken to Bennie Musso, Joseph Romeo, Joseph Maruca or Jon English recently, he was told by Angelo Bontempo on February 10, 1974, that these individuals are still booking bets for Rappucci over telephone number (607) 729-1401.

5. SOURCE II

(a) Since September, 1973, Source II has been conferring on a confidential basis with Special Agent Robert R. Hazelwood. He maintains a minimum of daily contact, and all information furnished to date has been verified as to reliability by independent investigation. The information provided by Source II to Special Agent Hazelwood has been proven to be extremely accurate by independent investigation by Special Agents Hazelwood and Kennedy.

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Source II, for a minimum of ten years, had previously provided reliable information on a confidential and continuing basis, to another law enforcement agency. Special Agent Hazelwood has been advised by this agency that Source II has always been proven reliable and that the great majority of the information furnished by Source II has resulted in several convictions in New York State prosecutions on gambling and bookmaking charges.

(b) On September 18, 1973, Source II advised Special Agents Hazelwood and Kennedy that he had learned from individuals personally known by him to be bookmakers engaged in the gambling business of Stanley Rappucci, that Rappucci is the biggest bookmaker in the tri-city area and that he has five or six partners in his operation of a wireroom at 708 Front Street, Vestal, New York. This source advised that he learned from betting with Rappucci that Rappucci's busiest hours on the telephone are from 11:00 a.m. to 1:00 p.m. on Sundays, but that he stays open until 4:00 p.m. on Sundays due to West Coast football games, and until 7:00 p.m. on Mondays, due to the Monday night football game.

(c) On September 21, 1973, Source II advised Special Agent Hazelwood that the telephone number utilized by Rappucci in the operation of his wireroom is (607) 754-6933 and that he had obtained this number from bookmakers presently working with Rappucci.

(d) On September 24, 1973, Source II advised Special Agent Hazelwood that he had been recently told by Stanley Rappucci that Rappucci is utilizing a code to keep track of his bettors; i.e. each individual bettor is assigned a number which he uses when telephonically contacting Rappucci to place specific bets. Source II advised that Rappucci uses this list in his illegal gambling business and maintains the list near the telephone at 708 Front Street, Vestal, New York.

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Source II advised that Rappucci has told him that he keeps a list of numbers and names in the close vicinity of his phone so as not to lose time in accepting the bets. Rappucci advised source that two or three days after the action is in, he travels to New York City to settle up with people there. Source stated that Rappucci had told him that Angelo Pontempo and Bennie Musso were turning in a large amount of wagers to him. Source II advised that Stanley Rappucci is referred to as "Stan" within betting circles in the tri-city area.

(e) In early October, 1973, Source II advised Special Agent Hazelwood that he had been present when an individual placed two one hundred dollar bets with "Stan" by placing a telephone call to 754-6933. Source II advised that this individual gave a two digit number and said "I want to put a dollar on (source cannot recall team) and another dollar on (source cannot recall team)". Source II advised one dollar means one hundred dollars in betting circles. Source advised that Jon English and Joe Maruca are turning in wagers collected by them to Stanley Rappucci. Source stated that he was informed of this by English and Maruca during the past few days.

(f) In mid-October, 1973, Source II advised Special Agent Hazelwood that he had placed a fifty dollar bet on a professional football game with Stanley Rappucci over telephone number 754-6933 on October 14, 1973. Source advised that he bet another fifty dollars with Rappucci on another professional football game on the same date.

(g) In late October, 1973, Source II advised Special Agent Hazelwood that one day previously, he had placed another fifty dollar bet with Stanley Rappucci on telephone number 754-6933, betting on a football game.

(h) In mid-November, 1973, source advised Special Agent Hazelwood that he had learned from Stanley Rappucci that Rappucci and Frank Cannone are partners in the operation of the wireroom at 708 Front Street, Vestal, New York.

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(i) In late November, 1973, source advised Special Agent Hazelwood that Stanley Rappucci had recently told him that he is going on a gambling junket and that Frank Cannone will handle the betting action. Source advised that Bennie Musso had told him in mid-November that Musso makes pay offs for Rappucci and had gone as far as Cortland and Ithaca, New York, to do so.

(j) In late November, 1973, source advised Special Agent Hazelwood that Cannone and Rappucci are utilizing an answering service in their illegal gambling operation and that telephone number 774-1409 was provided to him by a person who bets with Rappucci. Source II advised that he had called this number and determined that it is answered by the Tri-Cities Answering Service and that the bettor is given a short time to record his first name and telephone number. Cannone or Rappucci will, a short time later, call the bettor. Source also advised that Bennie Musso had, in the past few days, told him that he settles wagering accounts for Rappucci on Tuesdays or Wednesdays.

(k) In mid-December, 1973, source advised Special Agent Hazelwood that he learned in a personal conversation with Joseph Narves the day before, that Narves was collecting large amounts of sports wagers for Frank Cannone and Stanley Rappucci.

(l) During late December, 1973, source advised Special Agent Hazelwood that within the past few days, he placed three wagers with Joseph Romeo, whom he personally knows to be a bookmaker, totaling \$400 and that Romeo told him that the wagers would be given to Cannone and Rappucci via the answering service.

(m) During late December, 1973, source advised Special Agent Hazelwood that Stanley Rappucci had told him on December 25, 1973, that he is again accepting wagers over telephone number

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754-6933 and that on the weekends he opens for business at 11:00 a.m. and closes at 1:00 p.m. and that during the week nights, he is open from 6:00 p.m. until one half hour before game time for basketball action.

(n) In mid-January, 1974, source advised Special Agent Robert W. Ross that as late as January 13, 1974, he had wagered \$50 with Joseph Romeo on a professional football game and that Romeo had at that time advised him that he continues to give the wagers to "Stan". Romeo further advised source that a lot of basketball wagers were being given to "Stan" by Angelo Bontempo and Bennie Musco. Source further advised that in conversations with persons known to him to be bookmakers and/or bettors, during the past week, he had determined that Jon English and Joseph Maruca are continuing to give sports wagers to Stanley Rappucci.

In mid-January, 1974, source advised Special Agent Hazelwood that Rappucci's weekly handle in his bookmaking operation is in excess of \$50,000 and that he bases this on the action he has seen handled by Angelo Bontempo, Joseph Romeo, Joseph Maruca, Jon English and Bennie Musco during a one week period in early January, 1974.

On January 23, 1974, source advised Special Agent Hazelwood that "Slab" was Tom Gastani, who resides in Binghamton. Source advised that "Slab" was, on January 18, 1974, in the company of Stanley Rappucci at a bar.

On January 26, 1974, source advised Special Agent Hazelwood that Stan Rappucci told him within the past two days that telephone number 729-1401 is the new number that sports action is to be called in on. Source personally placed a bet, using 729-1401, with "Slab" on January 25, 1974.

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On February 9, 1974, source advised Special Agent Hazelwood that he spoke with Joe Maruca and Maruca advised that he still calls in action to 729-1401 and that "Slab" answers the phone and takes the bets. Source advised on same date that he observed Angelo Bontempo call in action to "Slab" over telephone 729-1401 on February 8, 1974, in excess of \$500.

On February 11, 1974, source advised that he wagered on February 9, 1974, in excess of \$50 with Joe Romeo and heard Romeo speak to "Slab" and give him the action over telephone 729-1401. Source advised on the same date that he had learned from Romeo that Stanley Rappucci had been out of town for the past few days and that Frank Cannone had been handling the action taken by "Slab". Source further advised Special Agent Hazelwood on February 11, 1974, that Jon English had told him that on February 9, 1974, he, English, had given "Slab" in excess of \$1,000 worth of action over telephone 729-1401.

On February 12, 1974, source advised Special Agent Hazelwood that he spoke to Bennie Musso on same date and that Musso told him that he was still booking bets for Stanley Rappucci. Musso told source that he called 729-1401 and spoke to a guy named "Slab".

6. WIREROOM

(a) Numerous spot check physical surveillances by Special Agent Hazelwood have established that 52 Rotary Avenue, Binghamton, New York, is a two-story, frame dwelling, painted blue and white, and situated in a residential neighborhood.

Spot checks on January 25, 1974, by Federal Bureau of Investigation Agents at 52 Rotary Avenue, Binghamton, New York, revealed that a 1970 blue Cadillac automobile, New York registration 490BNV, registered to Stanley Rappucci, was at that location at the times sources indicated the wireroom was open for business.

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The records of the New York State Department of Motor Vehicles revealed that New York license plate number 490BNV is registered to Stanley A. Rappucci, 44 Rotary Avenue, Binghamton, New York. Source I has advised Special Agent Hazelwood that Rappucci is related by marriage to Michael Cordisco who resides at 44 Rotary Avenue and lived with Cordisco for a short time.

On April 4, 1973, Senior Investigator John Murphy, Bureau of Criminal Investigations, New York State Police, Kirkwood, New York, advised that Stanley Rappucci had been under surveillance by officers of the Bureau of Criminal Investigations and it had been determined through observation that Stanley Rappucci resided at 44 Rotary Avenue, Binghamton, New York, as of that time. Senior Investigator Murphy of the New York State Police also advised that 44 Rotary Avenue was also the home address of Michael Cordisco.

8. SUBJECTS**(a) Jon Neal English**

English was born on March 14, 1940, at Endicott, New York. He resides at 124 Oak Hill Avenue, Endicott, New York, and lists no occupation as he is reportedly disabled. English has been assigned Federal Bureau of Investigation number 898039J8 and New York State Police Identification Number 21662. His arrest record is as follows:

- (1) December 12, 1971 - Arrested for promoting gambling and indicted by New York State.
- (2) March 22, 1972 - Arrested for promoting gambling; fined \$500.
- (3) July 20, 1972 - Arrested for possession of gambling records; prosecution pending.
- (4) November 17, 1973 - Arrested for conducting an illegal gambling business; prosecution pending.

All of the aforementioned arrests occurred within the tri-city area of New York.

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(b) Joseph Nicholas Maruca

Maruca was born on May 10, 1946, at Johnson City, New York. He resides at 1756 Maine Road, Union Center, New York, and is currently unemployed. Maruca has been assigned Endicott, New York, Police Department number 986; Broome County, New York, Sheriff's Office number 10894; and Federal Bureau of Investigation Identification number 707 742H. His gambling arrest record is as follows:

November 17, 1973 - Arrested for conducting an illegal gambling business; pending presentation to Grand Jury.

(c) Angelo Anthony "Cookie" Bontempo

Bontempo was born August 4, 1937, at Endicott, New York. He resides at 2605 Columbia Drive, Endwell, New York, and lists his occupation as a self-employed cookie salesman. His arrest record is as follows:

November 17, 1973 - Arrested for conducting an illegal gambling business.

This arrest occurred at Endicott, New York.

(d) Stanley A. Rappucci

Rappucci was born on March 19, 1936. He resides at 708 Front Street, Vestal, New York, and is reportedly unemployed. No arrest record has been located for Rappucci.

(e) Frank Salvatore Cannone

Cannone was born on April 8, 1931, at New York, New York. He resides at Westminster Garden Apartments, 434H, Old Vestal Road, Vestal, New York, and reportedly operates a travel agency. Cannone has been assigned Federal Bureau of Investigation Identification Number 896 116J1. His arrest record is as follows:

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- (1) December 14, 1969 - Arrested for possession of bookmaking records; fined \$250.
- (2) March 22, 1972 - Arrested for promoting gambling; fined \$500.
- (3) July 17, 1972 - Arrested for bookmaking; prosecution pending.

All of the aforementioned arrests occurred within the tri-city area of New York.

(f) Bennie Nicholas Musso

Musso was born May 18, 1926, at Endicott, New York. He resides at 3203 Country Club Road, Endwell, New York, and is reportedly unemployed. Musso has been assigned Broome County, New York, Sheriff's Office Identification number 8937. He has the following arrest record:

- (1) July 12, 1964 - Arrested for bookmaking.
- (2) January 4, 1966 - Arrested for bookmaking; fined \$250 and sentenced to 30 days in Broome County Jail.
- (3) March 22, 1972 - Arrested for promoting gambling; fined \$500.

All of the aforementioned arrests occurred within the tri-city area of New York.

(g) Joseph Romeo

Romeo was born October 9, 1940. He resides at 2104 Vestal Road, Vestal, New York, and lists employment as produce manager of a grocery store chain.

(h) Thomas A. Gaetani

Gaetani resides at 52 Rotary Avenue, Binghamton, New York. No employment listed.

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9. NEED FOR INTERCEPTION

(a) The confidential informants referred to in paragraphs 4, 5, and 6 have stated they are unwilling to give testimony against the defendants in any proceeding for fear of their personal safety.

(b) I have found through my experience and the experience of other Special Agents who work on gambling cases, that gamblers frequently do not keep permanent records. If such records have been maintained, gamblers immediately, prior to or during a search, destroy their records.

(c) Physical surveillance offers scant likelihood of obtaining evidence of illegal gambling business being conducted chiefly over the telephone.

(d) For the reasons set forth above, all normal avenues of investigation and prosecution have been exhausted or have been considered too risky to attempt. The only reasonable and possible investigative procedure remaining which can furnish the required quantum of evidence sufficient to prove beyond a reasonable doubt that Stanley A. Rappucci, Frank Salvatore Cannone, Angelo A. Bontempo, Jon N. English, Joe M. Maruca, Bennie Musso, Joseph Romeo, Thomas A. Gastani, and others yet unknown are conducting, financing, managing, supervising, directing or owning an illegal gambling business, is the interception of wire communications to and from telephone number (607) 729-1401, located at 52 Rotary Avenue, Binghamton, New York.

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(e) No other application for authorization to intercept wire or oral communications from the above described telephone facility or the individuals mentioned herein is known to the affiant to have been made.

(f) In view of the information developed, as set forth above, that the wire communications to be intercepted are believed to represent a continuing criminal conspiracy, it is further believed that the evidence sought through interception of these wire communications should be obtained on a continuing basis for several days. Therefore, it is requested that these interceptions not terminate automatically when the sought communications are first intercepted and that this authority continue until evidence is acquired, revealing the manner in which the above-named persons conduct this illegal business, their methods of operation and the identities of all their co-conspirators, or for a period of fifteen days from the date of the order, whichever is earlier.

(g) Section 803 of Title VIII, entitled "Syndicated Gambling" of the "Organized Crime Control Act of 1970", Public Law 91-452, 91st Congress, approved October 15, 1971, amended Chapter 95, Title 18, United States Code, by adding a new section, Section 1955, Prohibition of Illegal Gambling Business. Section 801 of Title VIII of this Act contains special findings that illegal gambling involves widespread use of, and has an effect upon, interstate commerce and the facilities thereof.

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Wherefore I submit that the information supplied by the reliable informants and surveillances provide sufficient facts to establish probable cause that Stanley A. Rappucci, Thomas A. Gaetani, Frank Salvatore Cannone, Angelo A. Bontempo, Jon W. English, Joseph W. Maruca, Bennie Musso, Joseph Romeo, and others yet unknown have been and are now committing an offense involving the use of telephone number (607) 729-1401, which is an integral part of the gambling operating in violation of Section 1955 of Title 18, United States Code.

/s/ Robert R. Hazelwood

ROBERT R. HAZELWOOD
Special Agent
Federal Bureau of Investigation

Subscribed and sworn to before me
this 6th day of March, 1974.

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

IN THE MATTER OF THE APPLICATION
OF THE UNITED STATES OF AMERICA
FOR AN ORDER AUTHORIZING THE
INTERCEPTION OF WIRE COMMUNICATIONS

MP 15

APPLICATION

EUGENE WELCH, Assistant United States Attorney, of the Northern District of New York, being duly sworn, states:

1. He is an "investigative or law enforcement officer--of the United States" within the meaning of Section 2510(7) of Title 18, United States Code -- that is, he is an attorney authorized by law to prosecute or participate in the prosecution of offenses enumerated in Section 2516 of Title 18, United States Code.

2. Pursuant to the powers conferred on him by Section 2516 of Title 18, United States Code, the Attorney General of the United States, the Honorable William B. Saxbe, has authorized this application for an order authorizing the interception of wire communications. Attached to this application as Exhibit A, are the letter of notification of approval from the Assistant Attorney General of the Criminal Division, the Honorable Henry E. Petersen, and the Memorandum of Authorization approved by the Attorney General of the United States, the Honorable William B. Saxbe.

3. This application seeks authorization to intercept wire communications of STANLEY A. RAPPUCCI, FRANK SALVATORE CANNONE, ANGELO A. BONTEMPO, JON N. ENGLISH, JOSEPH N. MARUCA, BENNIE MUSSO, JOSEPH ROMEO, THOMAS A. GAETANI, and others as yet unknown who have committed and are committing offenses listed in Section 2516 of Title 18, United States Code, involving the carrying on of an illegal gambling business by five or more persons, which illegal gambling business has a gross revenue in excess of \$2,000

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in a single day or has been in substantially continuous operation for a period in excess of thirty (30) days in violation of Article 225 of the Penal Law of the State of New York and thereby in violation of Section 1955 of Title 18, United States Code, and are conspiring to commit such an offense in violation of Section 371 of Title 18, United States Code.

4. Section 803 of Title VIII, entitled Syndicated Gambling of the "Organized Crime Control Act of 1970", Public Law 91-452, 91st Congress, approved October 15, 1970, amended Chapter 95, Title 18, United States Code, by adding a new section, Section 1955, Prohibition of Illegal Gambling Businesses. Section 801 of Title VIII of this Act contains special findings that illegal gambling involves wide-spread use of, and has an effect upon, interstate commerce and the facilities thereof.

5. He has discussed all the circumstances of these offenses with Special Agent Robert R. Hazelwood of the Albany Office of the Federal Bureau of Investigation, who has directed and conducted the investigation herein, and has examined the affidavit of Special Agent Robert R. Hazelwood (attached to this application and incorporated by reference herein), which alleges the facts therein in order to show that:

(a) there is probable cause to believe that STANLEY A. RAPPUCCI, FRANK SALVATORE CANNONE, ANGELO A. BONTEMPO, JON N. ENGLISH, JOSEPH N. MARUCA, BENNIE MUSSO, JOSEPH ROMEO, THOMAS A. GAETANI, and others as yet unknown have committed and are committing offenses listed in Section 2516 of Title 18, United States Code, involving the carrying on of an illegal gambling business by five or more persons, which illegal gambling business has a gross revenue in excess of \$2,000 in a single day or has been in substantially continuous operation for a period in excess of thirty (30) days in violation of Article 225 of

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the Penal Law of the State of New York and thereby in violation of Section 1955 of Title 18, United States Code, and are conspiring to commit such an offense in violation of Section 371 of Title 18, United States Code.

(b) there is probable cause believe that particular wire communications of STANLEY A. RAPPUCCI, FRANK SALVATORE CANNONE, ANGELO A. BONTEMPO, JON N. ENGLISH, JOSEPH N. MARUCA, BENNIE MUSSO, JOSEPH ROMEO, THOMAS A. GAETANI, and others as yet unknown, concerning these offenses will be obtained through the interceptions, authorization for which is herewith applied for. In particular, these wire communications will concern the receipt and placing of bets and lay-off wagers on horse races and sports events, the exchange of line information, and the dissemination of such information to persons engaged in the unlawful business of gambling, and the participants in the commission of said offenses.

(c) the attached affidavit contains a full and complete statement explaining why normal investigative procedures either have been tried and failed or reasonably appear unlikely to succeed if continued, or reasonably appear unlikely to succeed if tried.

(d) there is probable cause to believe that one telephone, subscribed under the name THOMAS A. GAETANI bearing the number (607) 729-1401 located at 52 Rotary Avenue, Binghamton, N.Y., a two family, two-story frame dwelling has been used, is being used and will continue to be used in carrying out offenses detailed in paragraph 5, above.

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6. No other application is known to have been made to any judge for authorization to intercept, or for approval of interceptions of wire communications involving any of the persons, facilities or places.

WHEREFORE, your affiant believes that probable cause exists to believe that STANLEY A. RAPPUCCI, FRANK SALVATORE CANNONE, ANGELO A. BONTEMPO, JON N. ENGLISH, JOSEPH N. MARUCA, BENNIE MUSSO, JOSEPH ROMEO, THOMAS A. GAETANI, and others as yet unknown have committed and are committing offenses listed in Section 2516 of Title 18, United States Code, involving the financing, managing, supervising, directing or owning an illegal gambling business and a conspiracy, to commit the above described offenses; that STANLEY A. RAPPUCCI, FRANK SALVATORE CANNONE, ANGELO A. BONTEMPO, JON N. ENGLISH, JOSEPH N. MARUCA, BENNIE MUSSO, JOSEPH ROMEO, THOMAS A. GAETANI, and others as yet unknown have used, and are using the above-described telephone in connection with the commission of the above-described offenses; that communications of STANLEY A. RAPPUCCI, FRANK SALVATORE CANNONE, ANGELO A. BONTEMPO, JON N. ENGLISH, JOSEPH N. MARUCA, BENNIE MUSSO, JOSEPH ROMEO, THOMAS A. GAETANI, and others as yet unknown concerning these offenses will be intercepted to and from the above-described telephone; and that normal investigative procedures appear unlikely to succeed.

On the basis of the allegations contained in the application and on the basis of the affidavit of Special Agent Robert R. Hazelwood, which is attached hereto and made a part hereof, affiant requests this court issue an Order pursuant to the power conferred on it by Section 2518 of Title 18, United States Code, authorizing the Federal Bureau of Investigation of the United States Department of Justice to intercept wire communications to and from the above-described telephone which interception shall not automatically terminate when the type of communication described in paragraph 5(b) above has first been obtained but shall continue until communications are intercepted which reveal the manner in which STANLEY A. RAPPUCCI, FRANK SALVATORE CANNONE, ANGELO A. BONTEMPO, JON N. ENGLISH, JOSEPH N. MARUCA, BENNIE MUSSO, JOSEPH ROMEO, THOMAS A. GAETANI,

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and others as yet unknown participate in the illegal use of telephone facilities for the transmission of gambling information and which reveal the identities of their confederates, their places of operation, and the nature of the conspiracy involved therein, or for a period of fifteen (15) days from the date of that Order, whichever is earlier.

It is further requested that this Court issue an Order pursuant to the power conferred on it by Section 2518(4)(e) of Title 18, United States Code, directing that the New York Telephone Company, a communication common carrier as defined in Section 2510 (10) of Title 18, United States Code, shall furnish the applicant forthwith all information, facilities and technical assistance necessary to accomplish the interception unobtrusively and with a minimum of interference with the services that such carrier is according the person whose communications are to be intercepted, the furnishing of such facilities or technical assistance by the New York Telephone Company, to be compensated for by the applicant at the prevailing rates.

/s/ Eugene Welch
EUGENE WELCH
Assistant United States Attorney
Northern District of New York
Syracuse, New York

Subscribed and Sworn to before
me this 6th day of March, 1974

/s/ Edmund Post
UNITED STATES DISTRICT JUDGE

MP-15 AFFIDAVIT, APPLICATION, ORDER.



Address Reply to the
Division Indicated
and Refer to Subject and Number

UNITED STATES DEPARTMENT OF JUSTICE

WASHINGTON, D.C. 20530

MAR 6 1974

Mr. James M. Sullivan, Jr.
United States Attorney
Syracuse, New York

Dear Mr. Sullivan:

This is to advise you that pursuant to the power conferred on him by Section 2516 of Title 18, United States Code, the Attorney General has authorized an application to be made to a Federal judge of competent jurisdiction for an order under Section 2518 of Title 18, United States Code, authorizing the interception of wire communications for a fifteen (15) day period to and from the telephone bearing number (607) 729-1401, located at 52 Rotary Avenue, Binghamton, New York, in connection with the investigation into possible violations of Title 18, United States Code, Sections 1955 and 371, by Stanley A. Rappucci, Frank Salvatore Cannone, Angelo A. Montempe, Jon W. English, Joseph W. Maruca, Jennie Musio, Joseph Romeo, Thomas A. Gaetani, and others as yet unknown. A copy of the Attorney General's memorandum of authorization is attached hereto.

Accordingly, you or any other attorney on your staff who is an investigative or law enforcement officer of the United States within the meaning of Section 2510(7) of Title 18, United States Code, are authorized to make the above-described application.

Sincerely,

HENRY M. PETERSEN
Assistant Attorney General
Criminal Division

By: *James J. Flannery*

JAMES J. FLANNERY
Deputy Chief, Organized Crime
and Racketeering Section
Criminal Division

Enclosure

EXHIBIT A (1)

BEST COPY AVAILABLE

MP-15 AFFIDAVIT, APPLICATION, ORDER.

~~INTELETYPE~~

TO : Assistant Attorney General
Criminal Division

DATE: MAR 4 1974

FROM : The Attorney General

SUBJECT: Authorization for Interception
Order Application

This is with regard to your recommendation that I authorize an application to a Federal Judge of competent jurisdiction for an order under Title 18, United States Code, Section 2518, authorizing the interception of wire communications for a fifteen (15) day period to and from the telephone bearing number (607) 729-1401, located at 32 Rotary Avenue, Binghamton, New York, in connection with the investigation into possible violations of Title 18, United States Code, Sections 1955 and 371 by Stanley A. Rappucci, Frank Salvatore Cannone, Angelo A. Bontempo, Jon M. English, Joseph N. Marara, Bennie Masso, Joseph Romo, Thomas A. Castani and others as yet unknown.

Pursuant to the power conferred on me by Section 2516 of Title 18, United States Code, I hereby authorize the above-described application to be made by any investigative or law enforcement officer of the United States as defined in Section 2510(7) of Title 18, United States Code.

Wm B Sayre
WILLIAM B. SAYRE
Attorney General

MAR 4 1974

Date

EXHIBIT A (2)

BEST COPY AVAILABLE

MP-15 AFFIDAVIT, APPLICATION, ORDER.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

APPLICATION OF THE UNITED STATES
OF AMERICA IN THE MATTER OF AN
ORDER AUTHORIZING THE INTERCEPTION
OF WIRE COMMUNICATIONS

MISC. NO. *MP 15*

ORDERAUTHORIZING INTERCEPTIONS OF WIRE COMMUNICATIONS

TO: Special Agents of the Federal Bureau of Investigation,
United States Department of Justice

Application under oath having been made before me by EUGENE WELCH, Assistant United States Attorney of the Northern District of New York, and an "investigative or law enforcement officer" as defined in Section 2510(7) of Title 18, United States Code, for an Order authorizing the interception of wire communications pursuant to Section 2518 of Title 18, United States Code, and full consideration having been given to the matters set forth therein, the court finds:

(a) There is probable cause for belief that STANLEY A. RAPPUCCI, FRANK SALVATORE CANNONE, ANGELO A. BONTEMPO, JON N. ENGLISH, JOSEPH N. MARUCA, BENNIE MUSSO, JOSEPH ROMEO, THOMAS A. GAETANI, and others as yet unknown have committed and are committing offenses listed in Section 2516 of Title 18, United States Code, involving the carrying on of an illegal gambling business by five or more persons, which illegal gambling business has a gross revenue in excess of \$2,000 in a single day or has been in substantially continuous operation for a period in excess of thirty (30) days in violation of Article 225 of the Penal Law of the State of New York and

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thereby in violation of Section 1955 of Title 18, United States Code, and are conspiring to commit such an offense in violation of Section 371 of Title 18, United States Code.

(b) There is probable cause to believe that particular wire communications concerning these offenses will be obtained through the interception. In particular, these wire communications will concern the receipt and placing of bets and lay-off wagers on horse races and sporting events, the exchange of line information and the dissemination of such information to persons engaged in the unlawful business of gambling, and the participants in the commission of the above described offense.

(c) Normal investigative procedures either have been tried without success or reasonably appear unlikely to succeed if continued or reasonably appear unlikely to succeed if tried.

(d) There is probable cause to believe that one (1) telephone subscribed under the name of THOMAS A. GAETANI bearing the number (607) 729-1401 located at 52 Rotary Avenue, Binghamton, N.Y. a two family, two-story frame dwelling, has been used, is being used, and will continue to be used by STANLEY A. RAPPUCCI, FRANK SALVATORE CALABRE, ANGELO A. BONTEMPO, JON N. ENGLISH, JOSEPH M. MARUCA, BENNIE MUSSO, JOSEPH ROMEO, THOMAS A. GAETANI, and others as yet unknown in connection with the commission of the above-described offenses.

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WHEREFORE, it is hereby ordered that:

Special Agents of the Federal Bureau of Investigation, United States Department of Justice are authorized, pursuant to application authorized by the Attorney General of the United States, the Honorable William B. Saxbe, to exercise the powers conferred on the Attorney General by Section 2516 of Title 18, United States Code, to:

(a) Intercept wire communications of

STANLEY A. RAPPUCCI, FRANK SALVATORE CANNONE, ANGELO A. BONTEMPO, JON N. ENGLISH, JOSEPH N. MARUCA, BENNIE MUSSO, JOSEPH ROMEO, THOMAS A. GAETANI, and others as yet unknown concerning the above-described offenses to and from one (1) telephone subscribed under the name of THOMAS A. GAETANI bearing the number (607) 729-1401 located at 52 Rotary Avenue, Binghamton, N.Y. a two family, two-story frame dwelling.

(b) Such interception shall not automatically terminate when the type of communication described above in paragraph (b) has first been obtained, but shall continue until communications are intercepted which reveal the manner in which STANLEY A. RAPPUCCI, FRANK SALVATORE CANNONE, ANGELO A. BONTEMPO, JON N. ENGLISH, JOSEPH N. MARUCA, BENNIE MUSSO, JOSEPH ROMEO, THOMAS A. GAETANI, and others as yet unknown participate in the illegal gambling business by five or more persons, which illegal gambling business has a gross revenue in excess of \$2,000 in a single day, and which reveal the identities of their confederates, their places of operation, and the nature of the conspiracy involved therein, or for a period of fifteen (15) days from the date of this Order, whichever is earlier.

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PROVIDING THAT, this authorization to intercept wire communications shall be executed as soon as practicable, after signing of this Order and shall be conducted in such a way as to minimize the interception of communications not otherwise subject to interception under Chapter 119 of Title 18, United States Code, and must terminate upon attainment of the authorized objective, or, in any event, at the end of fifteen (15) days from the date of this Order.

PROVIDING ALSO, that EUGENE WELCH, shall provide the Court with a report on the 5th and 10th day following the date of this Order showing what progress has been made toward achievement of the authorized objective and the need for continued interception.

It is further ordered that the New York Telephone Company, a communication carrier as defined in Section 2510(10) of Title 18, United States Code, shall furnish the applicant forthwith all information, facilities, and technical assistance necessary to accomplish the interception unobtrusively and with a minimum of interference with the services that such carrier is according the person whose communications are to be intercepted, the furnishing of such facilities or technical assistance by the New York Telephone Company, to be compensated for by the applicant at the prevailing rates.

Dated: *March 6, 1974*

s/ Edward Port
UNITED STATES DISTRICT COURT

MP-16 AFFIDAVIT, APPLICATION, ORDER PLUS FIFTH
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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

-----X
IN THE MATTER OF THE APPLICATION OF :
THE UNITED STATES OF AMERICA FOR AN : Misc. No.
ORDER AUTHORIZING THE INTERCEPTION :
OF WIRE COMMUNICATIONS :
-----X

A F F I D A V I T

ROBERT R. HAZELWOOD, Special Agent, Federal Bureau of
Investigation, Albany, New York, being duly sworn states:

1. I am an "investigative or law enforcement officer"
within the meaning of Section 2510(7) of Title 18, United States Code,
that is, an officer of the United States, who is empowered by law to
conduct investigations of and to make arrests for offenses enumerated
in Section 2516 of Title 18, United States Code.

2. This affidavit seeks authorization to intercept wire
communications concerning offenses involving violations of Article
225 of the Penal Laws of the State of New York, and thereby, violations
of Sections 1955 and 371 of Title 18, United States Code, which
offenses have been and are being committed by STANLEY A. RAPPUCCI,
FRANK SALVATORE CANNONE, ANGELO A. BONTEMPO, JON N. ENGLISH, JOSEPH N.
MARUCA, BENNIE MUSSO, JOSEPH ROMEO, THOMAS A. GAETANI, RAY MASCIARELLI,
JIM (LNU)*, ROSE (LNU), and others as yet unknown.

3. I have supervised the conduct of the investigation
of these offenses and as a result of my personal participation in
that investigation and of reports made to me by other Special Agents
of the Federal Bureau of Investigation under my direction, I am

*Last Name Unknown

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2.

familiar with all the circumstances of said investigation. On the basis of that familiarity, I allege the facts contained in the numbered paragraphs below to show that:

(a) There is probable cause to believe that STANLEY A. RAPPUCCI, FRANK SALVATORE CANNONE, ANGELO A. BONTEMPO, JON N. ENGLISH, JOSEPH N. MARUCA, BENNIE MUSSO, JOSEPH ROMEO, THOMAS A. GAETANI, RAY MASCIARELLI, JIM "LNU", ROSE "LNU", and others as yet unknown are each conducting, financing, managing, supervising, directing or owning all or part of an illegal gambling business in violation of Article 225 of the Penal Laws of the State of New York, and Sections 1955 and 371 of Title 18, United States Code.

(b) There is probable cause to believe that wire communications of STANLEY A. RAPPUCCI, FRANK SALVATORE CANNONE, ANGELO A. BONTEMPO, JON N. ENGLISH, JOSEPH N. MARUCA, BENNIE MUSSO, JOSEPH ROMEO, THOMAS A. GAETANI, RAY MASCIARELLI, JIM "LNU", ROSE "LNU", and others as yet unknown concerning these offenses will be obtained through interceptions authorization for which is applied for herein.

(c) Normal investigative procedures have failed to gather evidence necessary to sustain prosecution for violations of the offenses and reasonably appear unlikely to succeed, if tried.

(d) There is probable cause to believe that telephone numbers (607) 724-5301, subscribed to by RAYMOND FORDNIA, 229 Chenango Street, Binghamton, New York, a four-story red brick building with ground floor painted white; and (607) 729-1401, subscribed to by THOMAS A. GAETANI, 52 Rotary Avenue, Binghamton

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2a.

New York, a two-family, two-story frame dwelling, are being used and will be used in carrying out the offenses referred to above, all of which appears more fully hereafter. GAETANI's telephone is further described in Exhibit "B". The records of the New York Telephone Company reflected the foregoing listings. The listing ^{1/11/74} on ~~REDUCI~~ was ~~obtained on February 14, 1974, by Special Agents CLARK F. HURLEY of the Federal Bureau of Investigation, and the listing~~ ^{1/11/74} on FORDNIA was obtained on March 13, 1974, by Special Clerk JOHN FISHER of the Federal Bureau of Investigation, and the listing on GAETANI was obtained by Special Agent CLARK F. HURLEY, Federal Bureau of Investigation, on February 13, 1974.

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3.

BACKGROUND

4. On March 6, 1974, the Honorable EDMUND PORT, United States District Judge, Northern District of New York, signed an order authorizing the interception of wire communications over telephone number (607) 729-1401. The interception commenced on March 7, 1974, and terminated on March 21, 1974. The affidavit of Special Agent ROBERT W. HAZELWOOD on which that application is based is herein attached and incorporated by reference and marked Exhibit "B".

RESULTS OF INTERCEPTION

5. The interception of conversations over the above listed number set forth in paragraph four above, and investigations conducted by the Federal Bureau of Investigation resulted in:

(1) determining that an illegal gambling business was being conducted by THOMAS A. GAETANI, STANLEY RAPPUCCI, RAY MASCIARELLI and others which utilized various telephones; (2) determining that the gambling business involved both horse and sports bets; (3) identifying RAY as a person who exchanges results and lay-off bets with THOMAS GAETANI; (4) identifying STANLEY as a person who gives management and direction instructions in this illegal gambling operation to THOMAS GAETANI; (5) identifying ROSE "LNU" as a person who THOMAS GAETANI calls to get line information. The above was accomplished by your affiant's personal monitoring of communications over the telephone set forth in paragraph four above. During the

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4.

period of interception, over \$2,000 in bets were recorded on each day of monitoring GAETANI on (607) 729-1401 (March 7, 1974 to March 21, 1974), with exception of March 18, 1974, at which time \$1,481 was handled and on March 21, 1974, when \$300 was handled. (Monitoring on March 21, 1974 from 10:15 a.m. to 2:15 p.m.)

6. The interceptions show that GAETANI, MASCIARELLI, and RAPPUCCI conduct an illegal gambling business which includes both horse and sports bets. MASCIARELLI mainly conducts the horse betting portion of the operation while GAETANI and RAPPUCCI are mainly concerned with the sports betting portion. GAETANI and RAPPUCCI will, however, take either kind of bet. It is clear from the interceptions that RAPPUCCI directs GAETANI in the wagering action handled by GAETANI. During the period of interception, numerous gambling calls were recorded between GAETANI and RAPPUCCI. In these calls RAPPUCCI advises GAETANI the maximum amounts of bets to accept, not to give line information to a certain person called "PORKY" and how much "layoff" bets to accept from "RAY".

(a) Wire communications to and from telephone number (607) 729-1401 were so intercepted during the following hours:

March 7, 1974	-	from 3:00 p.m. to 8:30 p.m.
March 8, 1974	-	from 12:00 noon to 8:40 p.m.
March 9, 1974	-	from 10:00 a.m. to 8:30 p.m.
March 10, 1974	-	from 11:30 a.m. to 2:30 p.m.
March 11, 1974	-	from 10:30 a.m. to 8:00 p.m.
March 12, 1974	-	from 11:40 a.m. to 8:15 p.m.
March 13, 1974	-	from 11:45 a.m. to 8:30 p.m.
March 14, 1974	-	from 11:45 a.m. to 8:30 p.m.
March 15, 1974	-	from 11:30 a.m. to 8:15 p.m.
March 16, 1974	-	from 11:00 a.m. to 8:13 p.m.
March 17, 1974	-	from 11:00 a.m. to 2:10 p.m.
March 18, 1974	-	from 11:30 a.m. to 8:55 p.m.
March 19, 1974	-	from 11:40 a.m. to 8:15 p.m.
March 20, 1974	-	from 10:30 a.m. to 8:08 p.m.
March 21, 1974	-	from 10:15 a.m. to 2:15 p.m.

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4a.

The interception was limited to these hours in an effort to minimize the interception of communications not otherwise subject to intercept under Chapter 119 of Title 18, United States Code, in compliance with that statute and the March 6 order. These hours were chosen for the conduct of the interception as a result of information provided by Sources I and II as set forth in my affidavit of March 6, 1974, as well as from the statements made during the course of the intercepts when the speakers would discuss the hours of operation for placing bets.

(b) During the above period a total of 786 telephone calls were intercepted on the subject telephone. Of these telephone calls, 455 were incoming calls and 331 were outgoing calls. Of the 786 telephone calls intercepted, 67 were considered non-pertinent calls by the monitoring agents and the interception of these calls was immediately terminated upon realization that they were non-pertinent. These non-pertinent calls were for directory assistance, calls concerning the illness of the speaker's pet cat, calls to STANLEY A. RAPPUCCI when he was not available to answer the call, and miscellaneous non-pertinent calls. At least one of the pertinent telephone calls was placed to an out-of-state location.

(c) During the above period a total of 761 bets were placed over the subject telephone. The total dollar amount handled over the subject telephone during this period was \$138,695.00. This dollar amount has been calculated by applying the code described in paragraph 4(f) on page 5 of Exhibit "B". This description of the code was verified by the monitoring agents who intercepted a communication where the caller placed a "dime" bet. Subsequently that same caller requested that his bet be changed to \$2,000, and

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4b.

the receiver refused, indicating that the caller was committed to his previously requested \$1,000 bet.

The daily handle for the above dates has been as follows:

March 7	-	\$ 8,030.
March 8	-	16,180
March 9	-	22,573
March 10	-	7,700
March 11	-	4,398
March 12	-	7,200
March 13	-	5,634
March 14	-	13,679
March 15	-	7,773
March 16	-	19,152
March 17	-	11,492
March 18	-	1,431
March 19	-	6,239
March 20	-	6,864
March 21	-	300

(d) The aforementioned bets pertain to both sports events and horse races. In addition, communications have been intercepted which pertain to lay-off wagers, the obtaining of line information, and the subsequent dissemination of such information.

(e) As a result of the intercepts made during the above periods seven participants in the illegal gambling business including STANLEY A. RAPPUCCI, ANGELO A. BONTEMPO, and THOMAS A. CAETANI, have been identified by the monitoring agents. Communications have been intercepted from a substantial number of additional participants, however, who cannot be identified. For example, and consistent with the source information set forth in my affidavit of March 6, 1974, nine different code numbers have been used by participants instead of their names. In addition, thirty-five different names have been used by participants, which were, for the most part, first names, and possibly aliases. The identities of these participants remain to be discovered.

7. In the paragraphs that follow, results of the interceptions of calls of CAETANI, RAPPUCCI, MASCIARELLI and JIM "LNU" will be set forth in greater detail in transcripts of certain

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4c.

conversations. Identifications of the above listed persons in these calls have been made by Special Agents of the Federal Bureau of Investigation by physical surveillances, voice identification, by one party to the call identifying himself, by one party to the call identifying the other party, or by some combination of these methods.

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5.

8. The following is an excerpt of an outgoing call made at 5:02 P.M. on March 8, 1974, from GAETANI to RAPPUCCI. The call was from telephone number (607) 729-1401 to (607) 754-6933:

STAN	-	Hello
GAETANI	-	You sound dead.
STAN	-	You got to go to the Ale House and pick up number one.
GAETANI	-	I thought you was going.
STAN	-	I can't even move.
GAETANI	-	You are the (Obscene), I just got here, I got to go all the way over there? What about the other guy?
STAN	-	Which one?
GAETANI	-	You know, EDDIE?
STAN	-	Where is he?
GAETANI	-	I don't know, he's supposed to be in Friday.
STAN	-	When he calls make an arrangement to pick up the money, tonight.
GAETANI	-	Oh, is he there now, that guy.
STAN	-	Yeah, ok man
GAETANI	-	We gotta have it right?
STAN	-	Yeah.
GAETANI	-	What's 'the figure.
STAN	-	660
GAETANI	-	660
STAN	-	How we do last night?
GAETANI	-	Oh let me see we're up.
STAN	-	Huh?
GAETANI	-	We're up, we win so far, we only had one game, was ah ah Milwaukee, we knocked that down. I didn't get the college results yet.
STAN	-	All right.
GAETANI	-	So we, everything was evened off almost anyhow.
STAN	-	Ok, let me know what happens.
GAETANI	-	You want me go get him, now, how long's he gonna be there?
STAN	-	Well, he'll be there til 6.
GAETANI	-	He's supposed to be there at 4:30 or 5:30?
STAN	-	5:30 to 6.
GAETANI	-	Ah (Obscene), I got to come out, I gotta rush back here to get this (Obscene) thing straight. I ain't going to wait on him till a quarter to six.
STAN	-	All right.
GAETANI	-	All right, goodbye.

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6.

9. From this conversation it is clear that RAPPUCCI is closely involved in this gambling operation with GAETANI. In the conversation RAPPUCCI directs GAETANI to make a pickup from number one and also pick up the money from EDDIE. GAETANI asks what the figure is and RAPPUCCI tells him 660. During the period of the interception, numerous other gambling calls were recorded between RAPPUCCI and GAETANI in which RAPPUCCI gives directions to GAETANI, and discusses sport results and the amounts needed to settle up.

10. The following is an excerpt of an outgoing call GAETANI made to RAPPUCCI at 6:16 P.M. on March 8, 1974. The call was made from telephone number (607) 729-1401 to (607) 754-6933:

RAPPUCCI	-	Hello.
GAETANI	-	Yeah, I's, I got that.
RAPPUCCI	-	Got it?
	-	Huh.
RAPPUCCI	-	You got it?
GAETANI	-	Yeah, EDDIE wasn't there, but he's supposed to call.
RAPPUCCI	-	Can't hear ya.
GAETANI	-	I say the other guy wasn't there, but he's supposed to call me tonight.
RAPPUCCI	-	All right, listen.
GAETANI	-	I'll straighten that out with him.
RAPPUCCI	-	When ROSE calls right?
GAETANI	-	Right
RAPPUCCI	-	Tell him to call me, will ya?
GAETANI	-	All right, tell him to call you.
RAPPUCCI	-	Ya, tonight, tonight, tell him to call me tonight.
GAETANI	-	What time.
RAPPUCCI	-	I'll be home all night.
GAETANI	-	All right.
RAPPUCCI	-	Tell, say, tell PORKY to call STANLEY.
GAETANI	-	You want who?
RAPPUCCI	-	Just say tell PORKY to call STANLEY.
GAETANI	-	Say that to ROSE?
RAPPUCCI	-	Yeah.
GAETANI	-	Tell PORKY to call STANLEY?
RAPPUCCI	-	Right.
GAETANI	-	Let me write that down, PORKY to call STANLEY.
RAPPUCCI	-	Give him my number.
GAETANI	-	Right - yeah, let's see, we stand 25,31 we're about three dimes up.
RAPPUCCI	-	Huh
GAETANI	-	for the week

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7.

RAPPUCCI - How much
GAETANI - About three dimes and a little over
RAPPUCCI - Good, we can use it.
GAETANI - for this week so far, ah, the
layoffs hurt you know, the (Obscene)
ah, oh, I, I didn't give nothing to
PORKY yesterday.
RAPPUCCI - Yeah.
GAETANI - He didn't even bother calling, so I
ain't going to give him nothing
anyhow.
RAPPUCCI - tonight?
GAETANI - Huh, no I didn't give him no line.
RAPPUCCI - Huh
GAETANI - I ain't giving CHOPS no line
RAPPUCCI - Don't give him the line
GAETANI - No but I figure I got beat yesterday
on that turnaround. RAY couldn't be
there.
RAPPUCCI - How'd you get beat?
GAETANI - Well we could a gone both sides
RAPPUCCI - Oh yeah
GAETANI - They had a 10 1/2 the opposite, bet
both sides, we lock both sides up,
Right?
RAPPUCCI - Right, well as soon as my
lays over, I'm gonna start working a
little bit, I'll teach you how to do
some business.
GAETANI - Well, I can't do it cause I don't
know what to do. I know what to do
in that situation.
RAPPUCCI - Yeah, well I'll show you other things
to do.
GAETANI - When you get something like that.
RAPPUCCI - I'll show you, it's easy. It's work
though, it's a job.
GAETANI - What's left now before, I don't want
to get all (obscene) here. Let me see.
RAPPUCCI - Bring me that money tonight, will ya?
GAETANI - No, God no, tomorrow.
RAPPUCCI - I'll, I'm going to be leaving early.
GAETANI - Where you going?
RAPPUCCI - I'll stop by your house.
GAETANI - Yeah, what time.
RAPPUCCI - Early in the morning.
GAETANI - Let me see, 1's ok, 4's ok, 5 took care,
6, I'll hear from tomorrow. I'll go
get that, ok?
RAPPUCCI - Yeah and tell ah
GAETANI - 9 ah 9
RAPPUCCI - 9 and 5 they gotta do something. I need
the money tonight.

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8.

GAETANI - He says he take care of you
 RAPPUCCI - He didn't see me yet
 GAETANI - What, 9 and 5?
 RAPPUCCI - Yeah.
 GAETANI - Let me put that down, yeah I talked to
 Diddy, 24 says carry, Wood, the cat,
 did ya see the cat?
 RAPPUCCI - Yeah
 GAETANI - Ah so EDDIE I gotta do the thing with
 51's ok ABBO (phonetic), ABBO's all
 settled.
 RAPPUCCI - Yeah.
 GAETANI - PHIL is straight, ANDY is straight.
 RAPPUCCI - Yeah.
 GAETANI - Let me check em, HERBIE is straight?
 RAPPUCCI - Yeah.
 GAETANI - LIBBY is all set and ROSE, I'll have
 him call. All right, the only thing
 we got left is EDDIE.
 RAPPUCCI' - Right.
 GAETANI - You leaving tomorrow?
 RAPPUCCI - I'll be back Sunday afternoon.
 GAETANI - Yeah, I mean what time you going, what
 time you going to stop here?
 RAPPUCCI - Early in the morning.
 GAETANI - Early in the morning?
 RAPPUCCI - About 11 o'clock.
 GAETANI - Yeah, I'll be up, (Obscene), I'll have
 the paper by then. There's no News;
 it's on strike, see you later.
 RAPPUCCI - See you later.

11. From this conversation it is clear that GAETANI is telling RAPPUCCI that "we" are about \$3,000 up for the week in this illegal gambling operation. They discuss bettors who are paid up and mention "EDDIE" as the only one left to straighten up. During the period of the interception numerous other gambling calls were recorded between GAETANI and RAPPUCCI concerning "settle ups" of money owed.

12. The following is a transcript of an outgoing call made at 8:13 P.M. on March 8, 1974, from GAETANI to RAPPUCCI. The call was made from telephone number (607) 729-1401 to telephone number (607) 754-6933:

RAPPUCCI - Hello
 GAETANI - Yes.
 RAPPUCCI - Who are ya

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9.

GAETANI - Did ah, 9 come, 9 come.
 RAPPUCCI - No
 GAETANI - He said he took care of that
 RAPPUCCI - (To unknown people in room) Did anybody,
 COOKIE, anybody here last night?
 RAPPUCCI - COOKIE, did anybody come?
 GAETANI - I didn't see him.
 RAPPUCCI - I think your wife's robbing ya.
 GAETANI - He didn't come
 RAPPUCCI - 9 says he ok, it's already there.
 GAETANI - It ain't here yet.
 RAPPUCCI - 5 says he'll be there tonight, I says
 GAETANI - he'll be there all night, he says.
 RAPPUCCI - All right.
 GAETANI - He's says will he be there between
 9 and 10.
 RAPPUCCI - I says yeah.
 GAETANI - How about EDDIE O.
 RAPPUCCI - Huh
 GAETANI - EDDIE O.
 RAPPUCCI - EDDIE hasn't come in, that (Obscene)
 he didn't even call, he told me he
 called Friday and ah, let me see what
 I was going to say. 9 says he delivered,
 he didn't.
 RAPPUCCI - (To unknown person in room) That's no
 good MIKE.
 GAETANI - BIDDY says ah, he'll take care of it
 and I give him the new figure and he
 says ok, he says he'll take care of it
 Sunday. You there?
 RAPPUCCI - Yeah.
 GAETANI - All right, we got
 RAPPUCCI - What else is happening?
 GAETANI - Huh, well we're pretty good tonight.
 RAPPUCCI - Yeah.
 GAETANI - Number 1 2 3 4 5, 5 games at 8 dollars
 each.
 RAPPUCCI - Hope we get lucky with them.
 GAETANI - we need all the dogs
 RAPPUCCI - All the dogs?
 GAETANI - In the pros
 RAPPUCCI - Who's favored?
 GAETANI - Huh, Buffalo's is favored 5 1/2
 RAPPUCCI - Huh?
 GAETANI - Buffalo is a 5 1/2 favorite.
 RAPPUCCI - We want Buffalo, give one who we want
 GAETANI - We want Seattle
 RAPPUCCI - Plus?
 GAETANI - 5 1/2
 RAPPUCCI - Yeah
 GAETANI - Philly plus 4 1/2.
 RAPPUCCI - Philly plus 4 1/2.

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10.

GAETANI - Houston plus 3.
 RAPPUCCI - Houston plus 3.
 GAETANI - Detroit plus 2 1/2.
 RAPPUCCI - Detroit plus 2 1/2.
 GAETANI - An ah North Carolina plus 1.
 RAPPUCCI - North Carolina plus the 1.
 GAETANI - And the other games are 5 dollar ones
 We need North Carolina State minus
 17 1/2.
 RAPPUCCI - They got the dog.
 GAETANI - They got the dog.
 GAETANI - We need
 RAPPUCCI - Minus 17 1/2.
 GAETANI - And we need Washington plus 3.
 RAPPUCCI - Yeah
 GAETANI - And we need California, lets see,
 California would be plus 5. They're
 the dog. 3,5 that would be 5. Let
 me see, am I seeing that right? Yeah,
 Stanford's gotta win by 5.
 RAPPUCCI - All right.
 GAETANI - That's what we got
 RAPPUCCI - We got California
 GAETANI - Huh.
 RAPPUCCI - We got California
 GAETANI - We want California, right
 RAPPUCCI - Right
 GAETANI - What time, when you leaving?
 RAPPUCCI - Around 11 o'clock.
 GAETANI - You leaving 11 o'clock tomorrow morning?
 RAPPUCCI - Ya let me see, them guys didn't take
 of you. What do you want to do it
 EDDIE calls in tomorrow? I'll go see
 him.
 RAPPUCCI - Make an arrangement and get the money.
 GAETANI - Yeah, well should I take mine out of
 there?
 RAPPUCCI - You don't need it right now, what's the
 difference?
 GAETANI - How come I never get mine and you
 always get yours?
 RAPPUCCI - You need it.
 GAETANI - No, but you always get
 RAPPUCCI - If you need it take extra.
 GAETANI - You trying to make me forget.
 RAPPUCCI - Why don't you go, you listen to that
 broad you go out with too much.
 GAETANI - You, you might confuse them other
 people but I don't get confused. Huh.
 RAPPUCCI - You listen to that girl too much, she's
 warping your mind.
 GAETANI - No, No, I understand your M.O. I
 know, huh?

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11.

RAPPUCCI - How much you owe me?
GAETANI - I don't, I owe you 6 dollars.
RAPPUCCI - How much?
GAETANI - 6
RAPPUCCI - How come?
GAETANI - Why do I owe you? Well i, didn't I
give you half a yard?
RAPPUCCI - When?
GAETANI - The other day.
RAPPUCCI - I'm talking about the old balance.
GAETANI - Oh, I owe you a buck and a half.
Well what do ya, what are you bringing
up old balances for?
RAPPUCCI - (Laughs)
GAETANI - I don't want to hear that. I never
brought up old balances with you.
RAPPUCCI - Ok, I'm just asking.
GAETANI - I just want to know.
RAPPUCCI - You don't do the 50 a week no more
GAETANI - Well, I'll let you know when.
RAPPUCCI - Ok
GAETANI - I'm , I know I got beat, I'm just
trying to figure how I can get even
let's see, 2 hidden and 82 you beat
me out of a sawbuck there.
RAPPUCCI - Yeah.
GAETANI - That's 107, that is you owe me 101.
RAPPUCCI - All right.
GAETANI - Plus
RAPPUCCI - Plus, I'gonna give you a beating, you
don't sound like, as soon as my
teeth get better I'm gonna give you a
beating.
GAETANI - You what?
RAPPUCCI - I'm gonna give you a beating, I'm
going to cut you down to size.
GAETANI - Your teeth hurt?
RAPPUCCI - Yeah.
GAETANI - What's the matter
RAPPUCCI - Ah, he destroyed my life today
GAETANI - Oh, you went to the dentist.
RAPPUCCI - Yeah, he killed me MO, I'm pretty,
but he killed me.
GAETANI - Yeah, I'll see you later, what you want
to do with Peanuts now, leave
instructions?
RAPPUCCI - Where is he?
GAETANI - He hasn't called.
RAPPUCCI - He's in Florida.
GAETANI - All right, nothing to do with him then
RAPPUCCI - He won't be calling.
GAETANI - Tomorrow, you want to do any, just hold
nickel or hold what, all depends on
today.
RAPPUCCI - Just hold.
GAETANI - Hold it at a nickel?

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12.

RAPPUCCI	-	Hold it more for winners.
GAETANI	-	Yeah, all depends on tonight, we either go under, we come way out or we break even.
RAPPUCCI	-	That's all, see how we do first.
GAETANI	-	See you later
RAPPUCCI	-	See you later

13. From this conversation it is clear that GAETANI is telling RAPPUCCI they have \$4,000 bet on five games and other games at \$500 each. They discuss splitting up the money and RAPPUCCI instructs GAETANI to hold the maximum bets accepted at a nickel (\$500).

RAY MASCIARELLI

14. The following is a transcript of an outgoing call made at 6:32 P.M., March 12, 1974, by GAETANI to MASCIARELLI. The call was made from telephone number (607) 792-1401 to telephone number (607) 724-5301:

Unknown Male	-	Yeah.
GAETANI	-	RAY?
MASCIARELLI	-	Hello.
GAETANI	-	Just a minute. All set? All set?
MASCIARELLI	-	No, no, no.
GAETANI	-	Get ready, honey.
MASCIARELLI	-	Now I'm ready.
GAETANI	-	Huh?
MASCIARELLI	-	Now, I'm ready.
GAETANI	-	Got a lot of 7:30 games. Three of them. Boston 12 1/2.
MASCIARELLI	-	12 1/2.
GAETANI	-	New York 5 1/2.
MASCIARELLI	-	New York. Wait a minute. Boston?
GAETANI	-	12 1/2.
MASCIARELLI	-	Boston is 12 1/2?
GAETANI	-	Right. New York 5 1/2.
MASCIARELLI	-	New York 5 1/2.
GAETANI	-	Buffalo 9 1/2.
MASCIARELLI	-	Buffalo 9 1/2.
GAETANI	-	They're all 7:30's.
MASCIARELLI	-	Yeah.
GAETANI	-	Atlanta 2.
MASCIARELLI	-	Yeah.
GAETANI	-	Capitol 9 1/2.
MASCIARELLI	-	Yeah.
GAETANI	-	Chicago 9. That's it.
MASCIARELLI	-	All right (unintelligible) know nothing, huh? O.K.
GAETANI	-	O.K.
MASCIARELLI	-	Good night.

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13.

15. From this conversation it is clear that GAETANI is performing one of the most important functions in this gambling operation, i.e. providing line information to the MASCIARELLI illegal gambling operation. During the period of interception, numerous other calls were intercepted between GAETANI and MASCIARELLI.

In November, 1972, Special Agent RICHARD T. WORST overheard a conversation between RAYMOND MASCIARELLI and police officers of the Binghamton, New York, Police Department, at which time MASCIARELLI was arrested on a gambling charge. Special Agent WORST has listened to the tape recording of the telephone conversation set forth in paragraph fourteen of this affidavit and has positively identified the individual referred to as RAY in paragraph fourteen herein as being the same RAYMOND MASCIARELLI.

JIM (LNU)

16. The following is a transcript of an outgoing call made at 6:34 P.M., March 7, 1974, from GAETANI to JIM (LNU). The call was made from telephone number (607) 792-1401 to (607) 724-5301.

Unknown Male	-	Hello.
GAETANI	-	JIM?
JIM	-	Huh?
GAETANI	-	JIM?
JIM	-	Yeah.
GAETANI	-	All set?
JIM	-	Oh, already, I don't have a Sports Eye, so you're gonna have to bear with me.
GAETANI	-	All right.
JIM	-	You got a Sports Eye?
GAETANI	-	Yeah, not the, I got the sheet, not the
JIM	-	I ain't got no sheets or nothing, so, ok, go ahead.
GAETANI	-	All right, ok, Manhattan is 10 1/2 over Fordham 10 1/2, ok. That's 8 o'clock game, it says 7 on the Sports Eye, but that's 8 o'clock.
JIM	-	How do you know it's Sports Eye?
GAETANI	-	Huh, I got another sheet.
JIM	-	Oh, ok, go ahead.
GAETANI	-	DuQuense is 11 1/2 over Xavier.
JIM	-	Xavier, Ohio?
GAETANI	-	Right, Xavier, that's all they got on here.
JIM	-	O.K.
GAETANI	-	Clemson is 4 1/2 over Virginia.
JIM	-	O.K.
GAETANI	-	That's 7 o'clock game. That's a 7 o'clock.

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JIM - O.K.
GAETANI - Ah, Georgia is 11 1/2 over Georgia Tech.
JIM - O.K.
GAETANI - Houston is 17 over Rice.
JIM - O.K.
GAETANI - Milwaukee is 5 over Golden State.
JIM - Milwaukee 5, Golden, do you know where they're playing at?
GAETANI - Ah, Milwaukee.
JIM - What's that, 8 o'clock game?
GAETANI - It's, ah, 9 o'clock.
JIM - 9 o'clock, that's the only pro.
GAETANI - That's all, yeah.
JIM - O.K.
GAETANI - There's Boston, Phoenix, but there's no line.
JIM - O.K.
GAETANI - All right, does PORKY, you give a line to PORKY?
JIM - Do I give the line to him?
GAETANI - Yeah.
JIM - Not usually.
GAETANI - Does he call?
JIM - No, he's been getting it from you hasn't he?
GAETANI - Yeah, but I'm not giving it to him.
JIM - No, I don't, I don't, I haven't done business with him in about a month now.
GAETANI - Yeah, well then don't give it to him.
JIM - Oh, no, I won't give it to him.
GAETANI - Cause he's giving it to, you know he's doing something with somebody else, too.
JIM - Yeah.
GAETANI - So we're not giving it to him either.
JIM - Now, I haven't, well he'll probably get it from CARLO.
GAETANI - No, he'll get CARLO's line, he won't get, but he's, oh, CARLO's using our line.
JIM - Oh, yeah?
GAETANI - That's what happened.
JIM - CARLO don't use your line all the time, does he?
GAETANI - Umm, that all depends.
JIM - Yeah.
GAETANI - They had, ah, New York at a pick um last Saturday was it?
JIM - Oh, yeah, that (obscene) game.
GAETANI - Well
JIM - You know I did all right on the game, S-
GAETANI - Yeah, everybody did cause you had them at pick.
JIM - Yeah, I only took, how the (obscene) did that happen?
GAETANI - Because they got a line to pick-um, they didn't know HAVLICEK was out.
JIM - Oh, I see.
GAETANI - Our line knew HAVLICEK, that's why it was the four points.
JIM - I see, I mean I did O.K., I mean I only took two bets on the game for I raised (unintelligible), I wish I'd taken about a thousand bets.

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GAETANI - Yeah, but see if you knew, if you know in advance, you, ah, we lost with the best of it.

JIM - What happens in ah, you get hurt?

GAETANI - Yeah, but if I mean you know, it's nice to know that a guy like that is out.

JIM - Yeah, ah, oh definitely.

GAETANI - Right.

JIM - I go along with you a 100 percent.

GAETANI - I bet it myself, I couldn't get ahold of you Saturday.

JIM - That's what, yeah, that's what you told me.

GAETANI - You see, because now, ah, let me see. I got em at pick, now I'm looking to get down at ah, at our line at 4 1/2, ok, 4 1/2.

JIM - Right.

GAETANI - If you're using ours see.

JIM - Right, well I did use it eventually.

GAETANI - Yeah, well everybody was going that one way they moved it over.

JIM - Cause everybody gave me New York you know.

GAETANI - Yeah, well you

JIM - They got you and Boston at 4 1/2.

GAETANI - Why sure.

JIM - OK, what happened in the games today, do you know?

GAETANI - Which ones?

JIM - Wasn't there two games today?

GAETANI - Yeah, they both ah, they both, ah, this afternoon games. No. Carolina wins by the spread and ah Maryland wins by the spread.

JIM - They both win?

GAETANI - Both win by the spread.

JIM - O.K.

GAETANI - I saw it on TV.

JIM - O.K.

GAETANI - All right, I'll see ya.

17. From the above conversation, it is apparent that GAETANI gave line information to JIM (INU), a member of the MASCIARELLI illegal gambling operation, and he also was furnishing line information to an individual named "PORKY".

Between March 8, 1974, and March 18, 1974, Special Agents of the Federal Bureau of Investigation have observed STANLEY RAPPUCCI entering or leaving a two-story, frame and brick, single dwelling residence at 708 Front Street, Vestal, New York, a minimum of ten times.

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Between March 8, 1974, and March 18, 1974, Special Agents of the Federal Bureau of Investigation have observed RAY MASCIARELLI a minimum of seven times in the area of 229 Chenango Street, Binghamton, New York. During the same period, MASCIARELLI has been observed by Special Agents of the Federal Bureau of Investigation entering a doorway at 229 Chenango Street, Binghamton, New York, at least two times. These same Special Agents have observed other unknown males enter and depart these premises.

NEED FOR INTERCEPTION

Source I, who has been furnishing information to Special Agents of the Federal Bureau of Investigation for over two and a half years on an average of at least once a month, and who is Source I referred to in Part 4, pages 3,4,5,6,7,8 and 9 of attached Exhibit B, and whose information has again been corroborated as correct with the interceptions of gambling conversations at telephone number (607) 729-1401, advised Special Agent ROBERT W. KENNEDY on March 19, 1974, that RAYMOND M. SCIARELLI is accepting horse wagers in Binghamton, New York. Source I said he had obtained this information through personal conversation with known Binghamton, New York, horse bettors within the past few days, and further, that MASCIARELLI will accept bets on sporting events in addition to horses and he then gives his sports wagering action to STANLEY RAPPUCCI or "SLAB" at telephone number (607) 729-1401.

Source II, who has been furnishing information to Special Agents of the Federal Bureau of Investigation since September, 1973, a minimum of fifteen times a month, and who is Source II referred to in Part 5, pages 9,10,11,12,13 and 14 of attached Exhibit B, and whose information has again been corroborated as correct with the interceptions of gambling conversations at telephone number (607) 729-1401, advised Special Agent ROBERT R. HAZELWOOD on March 19, 1974, that he had on March 17, 1974, spoken to RAYMOND MASCIARELLI, who told him that he is

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accepting horse bets over telephone number (607) 724-5301. Source II also said that MASCIARELLI told him that he will also accept basketball action, which he turns over to STANLEY RAPPUCCI or "SLAB" in Binghamton, New York. Source II said "SLAB" is a nickname for a THOMAS GAETANI. On March 25, 1974, Source II advised Special Agent ROBERT R. HAZELWOOD that he personally placed a basketball wager with ANGELO BONTEMPO on this date, and BONTEMPO said he would turn this action over to "SLAB", who continued to operate his illegal gambling operation from telephone number (607) 729-1401. Source II said "SLAB" continues to work for STANLEY RAPPUCCI and FRANK CANNONE.

Confidential Sources I and II referred to above on pages 16 and 17 have stated they are unwilling to give testimony against the defendants in any proceeding for fear of their personal safety.

18. As a result of the foregoing, I have probable cause to believe that STANLEY A. RAPPUCCI, FRANK SALVATORE CANNONE, ANGELO A. BONTEMPO, JON N. ENGLISH, JOSEPH N. MARUCA, BENNIE MUSSO, JOSEPH ROMEO, THOMAS A. GAETANI, RAY MASCIARELLI, JIM (LNU), ROSE (LNU) and others as yet unknown are persons who have been and are presently conducting, financing, managing, supervising and directing an illegal gambling business and are using wire communication facilities for the transmission of bets and wagers and information assisting in placing of bets and wagers on horse races and sports events in violation of Title 18, United States Code, Section 1955.

19. As a result of the investigation described above, I have probable cause to believe that an interception of communications transmitted through the telephone wires of the New York Telephone Company, telephone numbers (607) 724-5301, and (607) 729-1401, will result in the obtaining of evidence of the commission of the aforesaid violations on the part of STANLEY A. RAPPUCCI, FRANK SALVATORE CANNONE, ANGELO A. BONTEMPO, JON N. ENGLISH

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17a.

JOSEPH N. MARUCA, BENNIE MUSSO, JOSEPH ROMEO, THOMAS A. GAETANI, RAY MASCIARELLI, JIM (LNU), ROSE (LNU) and others as yet unknown in the commission of aforesaid violations, said evidence consisting of recordings and transcriptions of the transmission of bets and wagers, information assisting in the placing of bets and wagers on horse races, sports events, and information regarding the operation of the gambling business between the above-named individuals and other persons.

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18.

20. In order to insure the security of this investigation, all normal avenues of investigation and prosecution are closed and the only reasonable way to develop necessary evidence of a violation of Federal statutes by RAPPUCCI and others named above from their bases of operation is to intercept wire communications from the telephone numbers enumerated herein.

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20. (a) In addition to intercepted calls set forth on pages 5 through 15 of this affidavit other calls were intercepted as follows:

(1) On March 14, 1974, at 7:45 p.m. THOMAS GAETANI using telephone 729-1401 called STANLEY A. RAPPUCCI at telephone 754-6933 and told him he had taken \$3,000 in bets on Louisville. GAETANI and RAPPUCCI also discussed other bets taken by GAETANI. RAPPUCCI then directed GAETANI to have RAY take two of this action. RAPPUCCI asked how are we doing for the week and GAETANI told him they were over \$2,000 down.

(2) On March 19, 1974, at 6:31 p.m. THOMAS GAETANI using telephone 729-1401 called JIM (LNU) at telephone 724-5301 and furnished him line information on Cleveland, Chicago, Golden State, Jacksonville and Purdue.

(3) On March 19, 1974, at 6:29 p.m. ROSE (LNU) made an incoming call to THOMAS GAETANI at telephone number 729-1401 and furnished GAETANI line information on college and professional basketball games and an exhibition baseball game between the Detroit Tigers and the New York Yankees.

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19.

21. If a search warrant was obtained and executed, although it would probably result in the seizure of gambling records, it would still fail to prove the necessary elements of Title 18, United States Code, Section 1955 and also fail to reveal the complete nature and extent of this bookmaking operation and the identities of all of the persons involved. Also there are no known witnesses who could be relied upon to truthfully testify to the violations in question. Due to the secretiveness and security precaution with which the violations are carried out, the interception of these communications is the only available method of investigation which has a reasonable likelihood of securing the evidence necessary to prove the commission of these violations.

22. No other application is known to this affiant to have been made for authorization to intercept wire or oral communications from the parties listed in paragraph two above, or from the telephones as specified in this affidavit or any other facility or premises on which they are located, with the following exceptions:

All of the individuals listed in paragraph two of this affidavit with the exception of RAY MASCIARELLI, JIM (LNU), and ROSE (LNU), were mentioned in the court order signed by the Honorable EDMUND PORT, United States District Court Judge, Northern District of New York, on March 6, 1974. Judge PORT's order also included telephone number (607) 729-1401 and this is set forth in paragraph four of this affidavit.

On April 22, 1972, United States District Court Judge JAMES T. FOLEY, Northern District of New York, signed a court order authorizing the interception of wire communications over telephone numbers (607) 722-9622 and (607) 722-7661. In this court order telephone number (607) 722-9622 was subscribed to by CHRIS's HOTDOG STAND, 240 Chenango Street, Binghamton, New York, and billed to RAY MASCIARELLI at the same address. Also telephone number (607) 722-7661 was subscribed to by CERALD SINES with the telephone located at his residence, 102 Conklin Avenue, Binghamton, New York, and with

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extensions of that same number located at CHRIS's HOTDOG STAND, 240 Chenango Street, Binghamton, New York, and at 4115 Felters Road, Binghamton, New York, the residence of RAY MASCIARELLI.

23. Section 803 of Title VIII entitled, "Syndicated Gambling" of the "Organized Crime Control Act of 1970", Public Law 91-452, 91st Congress, approved October 15, 1970, amended Chapter 95, Title 18, United States Code, by adding a new section, Section 1955, Prohibition of Illegal Gambling Business. Section 801 of Title VIII of this Act contains special findings that illegal gambling involves widespread use of, and has an effect upon, interstate commerce and the facilities thereof.

24. In view of the information developed as set forth above that the activity to be electronically covered is believed to represent a continuing criminal conspiracy, it is further believed that the evidence sought through interception of these communications should be obtained on a continuing basis on several days succeeding the first receipt of communications which is the objective of this request not to exceed 15 days, so that the entire scope of the conspiracy together with the identification of participants herein can be established. Therefore, it is requested that these interceptions not terminate when the sought communications are first obtained and that this authority continue for a reasonable period thereafter.

WHEREFORE, I submit that probable cause exists to believe the existence of facts as set out hereinbefore.

/s/ _____

ROBERT R. HAZELWOOD
Special Agent
Federal Bureau of Investigation

Subscribed and sworn to before me

this 11 day of April, 1974.

Edmund P. ...
U.S. District Court
Binghamton, N.Y.

MP-16 AFFIDAVIT, APPLICATION, ORDER PLUS FIFTH
DAY REPORT.UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

In the Matter of the Application of the
United States of America for an Order
Authorizing Interception of Wire
Communications

AFFIDAVIT

ROBERT R. HASELWOOD, being duly sworn deposes and
says:

1. I am a Special Agent of the Federal Bureau of Investigation, and as such, I am an "investigative or law enforcement officer of the United States" within the meaning of Section 2510(7) of Title 18, United States Code, that is, an officer of the United States who is empowered by law to conduct investigations of and to make arrests for the offenses enumerated in Section 2516 of Title 18 of the United States Code; and I have been a Special Agent of the Federal Bureau of Investigation since 1971, and during that time, I have participated in approximately 45 investigations concerning illegal gambling enterprises. I have been assigned to the Binghamton, New York Resident Agency of the Federal Bureau of Investigation since February, 1973.

2. I submit this affidavit in support of an application seeking authorization to intercept wire communications pertaining to offenses involving violations of Section 225.05 of the Penal Laws of the State of New York, and thereby, violations of Sections 1955 and 371 of Title 18, United States Code, which offenses have been committed by Stanley A. Rappucci, Frank Salvatore Cannone, Angelo A. Fontarigo, Jon E. English, Joseph M. Maruca, Bonnie Harris, Joseph Maruca and Thomas A. Gaetani, with headquarters

EXHIBIT B

NOTE: First page only of Exhibit B
is being furnished. (EXHIBIT
B is same as AFFIDAVIT furnished
in MP-16).

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

IN THE MATTER OF THE APPLICATION OF
THE UNITED STATES OF AMERICA FOR AN
ORDER AUTHORIZING THE INTERCEPTION
OF WIRE COMMUNICATIONS

Misc. No. MP 16

A P P L I C A T I O N

EUGENE WELCH, Assistant United States Attorney for the Northern District
of New York, being duly sworn states:

1. He is an "investigative or law enforcement officer -- of the United States" within the meaning of Section 2510(7) of Title 18, United States Code, that is, -- an attorney authorized by law to prosecute or participate in the prosecution of offenses enumerated in Section 2516 of Title 18, United States Code.

2. Pursuant to the powers conferred on him by Section 2516 of Title 18, United States Code, the Attorney General of the United States, the Honorable William B. Saxbe, has authorized this application for an order authorizing the interception of wire communications. Attached to this application as Exhibit A are the letter of notification of approval from the Criminal Division, and a copy of the Attorney General's Memorandum of Authorization.

3. This application seeks authorization to intercept wire communications of STANLEY A. RAPPUCCI, FRANK SALVATORE CANNONE, ANGELO A. BONTEMPO, JON N. ENGLISH, JOSEPH N. MARUCA, BENNIE MUSSO, JOSEPH ROMEO, THOMAS A. GAETANI, RAY MASCIARELLI, JIM (LNU)*, ROSE (LNU)*, and others as yet unknown, concerning offenses enumerated in Section 2516 of Title 18, United States Code, that is -- offenses involving the carrying on of an illegal gambling business by five or more persons, which illegal gambling business has a gross revenue in excess of \$2,000.00 in a single day or has been in substantially continuous operation for a period in excess of thirty (30) days, in violation of Article 225 of the Penal Law of the State of New York, and thereby in violation of Section 1955 of

* last name unknown.

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Title 18, United States Code, and a conspiracy to commit such an offense, in violation of Section 371 of Title 18, United States Code, which have been committed and are being committed by STANLEY A. RAPPUCCI, FRANK SALVATORE CANNONE, ANGELO A. BONTEMPO, JON N. ENGLISH, JOSEPH N. MARUCA, BENNIE MUSSO, JOSEPH ROMEO, THOMAS A. GAETANI, RAY MASCIARELLI, JIM (LNU), ROSE (LNU), and others as yet unknown.

4. Section 803 of Title VIII, entitled Syndicated Gambling of the "Organized Crime Control Act of 1970", Public Law 91-452, 91st Congress, approved October 15, 1970, amended Chapter 95, Title 18, United States Code, by adding a new section, Section 1955, Prohibition of Illegal Gambling Business. Section 801 of Title VIII of this Act contains special findings that illegal gambling involves widespread use of, and has an effect upon, interstate commerce and the facilities thereof.

5. He has discussed all the circumstances of the above offenses with Special Agent Robert R. Hazelwood, of the Albany Office of the Federal Bureau of Investigation, who has directed and conducted the investigation herein, and has examined the affidavit of Special Agent Hazelwood, sworn to on March 6, 1974 (a copy of which is attached to this application as Exhibit B and incorporated by reference herein), as well as the affidavit of Special Agent Hazelwood, sworn to today (attached to this application and incorporated by reference herein) which affidavits allege facts which show that:

a) there is probable cause to believe that STANLEY A. RAPPUCCI, FRANK SALVATORE CANNONE, ANGELO A. BONTEMPO, JON N. ENGLISH, JOSEPH N. MARUCA, BENNIE MUSSO, JOSEPH ROMEO, THOMAS A. GAETANI, RAY MASCIARELLI, JIM (LNU), ROSE (LNU), and others as yet unknown, are each conducting, financing, managing supervising, directing, or owning all or part of an illegal gambling business, in violation of Article 225 of the Penal Law of the State of New York, which illegal gambling business has been or remained in substantially continuous operation for a period in excess of thirty (30) days, or has a gross revenue of \$2,000.00 in any single day, and thereby is in violation of Section 1955, Title 18, United States Code, and are

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conspiring to commit such an offense in violation of Section 371 of Title 18, United States Code.

b) there is probable cause to believe that particular wire communications of STANLEY A. RAPPUCCI, FRANK SALVATORE CANNONE, ANGELO A. BONTEMPO, JON N. ENGLISH, JOSEPH N. MARUCA, BENNIE MUSSO, JOSEPH ROMEO, THOMAS A. GAETANI, RAY MASCIARELLI, JIM (LNU), ROSE (LNU), and others as yet unknown, concerning these offenses will be obtained through interceptions, authorization for which is applied for herein. In particular, the wire communications will concern the receipt and placing of bets and lay-off wagers on horse races and sports events, the exchange of line information, and the dissemination of such information to persons engaged in the unlawful business of gambling, and participants in the commission of said offenses.

c) there is probable cause to believe that telephone numbers (607) 724-5301, subscribed to by RAYMOND FORDNIA, 229 Chenango Street, Binghamton, New York, a four-story red brick building with ground floor painted white; and (607) 729-1401, subscribed to by THOMAS A. GAETANI, 52 Rotary Avenue, Binghamton, New York, a two-family, two-story frame dwelling, are being used and will be used in carrying out the offenses referred to above.

6. The attached affidavits of Special Agent Hazelwood contain full and complete statements explaining why normal investigative procedures either have been tried and failed or reasonably appear unlikely to succeed if continued or reasonably appear unlikely to succeed if tried.

7. No other application is known to have been made to any judge for authorization to intercept or for approval of interceptions of wire communications involving any of these persons, places, or facilities, except as follows:

On March 6, 1974, the Honorable Edmund Port, United States District Judge, Northern District of New York, upon the application of Eugene Welch, Assistant United States Attorney, Northern District of New York, signed an Order authorizing the interception of wire communications to and from telephone number (607) 729-1401, the above-mentioned telephone subscribed to by THOMAS A. GAETANI. The interception commenced on March 7, 1974, and terminated on March 21, 1974. The results of that interception are set forth

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in the attached affidavit of Special Agent Hazelwood and form the principal basis for a finding of probable cause upon which this application is based. The application for that March 6th, Order and the Order itself, listed all of the individuals set forth in this application, with the exception of RAY MASCIARELLI, JIM (LNU), and ROSE (LNU), whose roles in this illegal gambling business were discovered only as a result of the March 6th, 1974, authorized interception. In addition, upon information and belief, the source of which is Special Agent Hazelwood's affidavit signed today, a Court Order authorizing the interception of wire communications of the telephone numbers (607) 722-9622 and (607) 722-7661, was issued by the Honorable James T. Foley, United States District Court Judge, Northern District of New York, on April 22, 1972. As indicated in Agent Hazelwood's affidavit, those telephone numbers were subscribed to and or used by RAY MASCIARELLI and one GERALD SINES. To the knowledge of your applicant, these mentioned interceptions and the applications therefor are the only other applications known to have been made to any judge for approval of interceptions of wire communications involving any of the persons, facilities, or places involved in this application.

8. As a result of the interception of wire communications to and from telephone number (607) 729-1401, pursuant to the March 6, 1974, Order of the Honorable Edmund Port, it was determined that that telephone is being used by the persons named in the March 6, application and order for the conduct of this illegal gambling business. It was also ascertained from that interception that numerous other participants are using said telephone without completely identifying themselves so that it is necessary to continue interception of those telephone calls to determine the identities of the other participants who remain as yet unidentified. In addition, that interception has revealed that telephone calls are consistently placed from that number to one other number, (607) 724-5301, for the clear purpose of furthering the illegal gambling business. The full scope of this conspiracy and the identity of all its participants have not yet been discovered nor does it appear possible that they will be discovered without renewed interception of telephone (607) 729-1401, and the interception of one additional number, (607) 724-5301.

WHEREFORE, based upon the attached affidavits of Special Agent

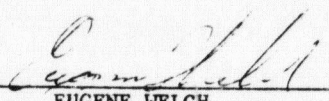
*MP-16 AFFIDAVIT, APPLICATION, ORDER PLUS FIFTH
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Hazelwood and based upon the results of the interception authorized by Judge Port on March 6, 1974, your applicant believes there is probable cause to believe that STANLEY A. RAPPUCCI, FRANK SALVATORE CANNONE, ANGELO A. BONTEMPO, JON N. ENGLISH, JOSEPH N. MARUCA, BENNIE MUSSO, JOSEPH ROMEO, THOMAS A. GAETANI, RAY MASCIARELLI, JIM (LNU), ROSE (LNU), and others as yet unknown, have committed and are committing offenses listed in Section 2516 of Title 18, United States Code, involving the financing, managing, supervising, directing, or owning an illegal gambling business and the conspiracy to commit these offenses; that STANLEY A. RAPPUCCI, FRANK SALVATORE CANNONE, ANGELO A. BONTEMPO, JON N. ENGLISH, JOSEPH N. MARUCA, BENNIE MUSSO, JOSEPH ROMEO, THOMAS A. GAETANI, RAY MASCIARELLI, JIM (LNU), ROSE (LNU), and others as yet unknown, have used and are using the above-described telephones in connection with the commission of the above-described offenses; that communications of STANLEY A. RAPPUCCI, FRANK SALVATORE CANNONE, ANGELO A. BONTEMPO, JON N. ENGLISH, JOSEPH N. MARUCA, BENNIE MUSSO, JOSEPH ROMEO, THOMAS A. GAETANI, RAY MASCIARELLI, JIM (LNU), ROSE (LNU), and others as yet unknown, concerning these offenses will be intercepted to and from the above-described telephones and that normal investigative procedures appear unlikely to succeed and are too dangerous to be used.

On the basis of the allegations contained in the affidavits of Special Agent Robert R. Hazelwood and upon this application, your applicant requests this Court issue an order pursuant to the power conferred upon it by Section 2518 of Title 18, United States Code, authorizing the Federal Bureau of Investigation of the United States Department of Justice to intercept wire communications to and from the above-described telephones, which interceptions shall not automatically terminate when the type of communication described in paragraph 5 has first been obtained but shall continue until communications are intercepted which reveal the manner in which STANLEY A. RAPPUCCI, FRANK SALVATORE CANNONE, ANGELO A. BONTEMPO, JON N. ENGLISH, JOSEPH N. MARUCA, BENNIE MUSSO, JOSEPH ROMEO, THOMAS A. GAETANI, RAY MASCIARELLI, JIM (LNU), ROSE (LNU), and others as yet unknown, participate in the illegal use of telephone facilities for the transmission of gambling information and which reveal the identities of their confederates, their places of operations, and the nature of the conspiracy involved therein, or for a period of fifteen (15) days from the date of that Order, whichever is earlier.

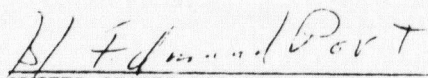
MP-16 AFFIDAVIT, APPLICATION, ORDER PLUS FIFTH
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It is further requested that this Court issue an Order pursuant to the power conferred upon it by Section 2518(4)(e) of Title 18, United States Code, directing that the New York Telephone Company, a communications common carrier, as defined in Section 2510(10), of Title 18, United States Code, shall furnish the applicant forthwith all information, facilities, and technical assistance necessary to accomplish the interception unobtrusively and with a minimum of interference with the services that such carrier is according the person whose communications are to be intercepted, the furnishing of such facilities or technical assistance by the New York Telephone Company to be compensated for by the applicant at the prevailing rates.


EUGENE WELCH

Assistant United States Attorney
Northern District of New York
Syracuse, New York 13201

Subscribed and sworn to before me
this 11th day of April, 1974.


UNITED STATES DISTRICT JUDGE

MP-16 AFFIDAVIT, APPLICATION, ORDER PLUS FIFTH
DAY REPORT.

UNITED STATES GOVERNMENT

DEPARTMENT OF JUSTICE

*Memorandum*TO : Assistant Attorney General.
Criminal Division

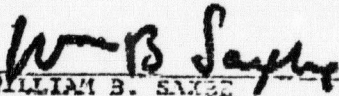
DATE: APR 3 1968

FROM : The Attorney General

SUBJECT: Authorization for Interception
Order Application

This is with regard to your recommendation that I authorize an application to a Federal judge of competent jurisdiction for an order under Title 18, United States Code, Section 2518, authorizing the interception of wire communications for a fifteen (15) day period to and from the telephones bearing numbers (607) 729-1401, located at 52 Rotary Avenue, Binghamton, New York, and (607) 724-5301, located at 225 Chenango Street, Binghamton, New York, in connection with the investigation into possible violations of Title 18, United States Code, Sections 1955 and 371, by Stanley A. Rappucci, Frank Salvatore Cannone, Angelo A. Bontempo, Jon N. English, Joseph N. Maruca, Bennie Russo, Joseph Romeo, Thomas A. Gaetani, Ray Masciarelli, Jim (last name unknown), Rose (last name unknown), and others as yet unknown.

Pursuant to the power conferred on me by Section 2516 of Title 18, United States Code, I hereby authorize the above-described application to be made by any investigative or law enforcement officer of the United States as defined in Section 2510(7) of Title 18, United States Code.


WILLIAM B. SAXTON
Attorney General

Date

EXHIBIT A

MP-16 AFFIDAVIT, APPLICATION, ORDER PLUS FIFTH
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UNITED STATES DEPARTMENT OF JUSTICE

WASHINGTON, D.C. 20530

Address Reply to the
Division Indicated
and Refer to Initial and Number

APR 9 1974

Mr. James N. Sullivan, Jr.
United States Attorney
Syracuse, New York

Dear Mr. Sullivan:

This is to advise you that pursuant to the power conferred on him by Section 2516 of Title 18, United States Code, the Attorney General has authorized an application to be made to a Federal judge of competent jurisdiction for an order under Section 2518 of Title 18, United States Code, authorizing the interception of wire communications for a fifteen (15) day period to and from the telephones bearing numbers (607) 729-1401, located at 52 Rotary Avenue, Binghamton, New York, and (607) 724-5301, located at 229 Chenango Street, Binghamton, New York, in connection with the investigation into possible violations of Title 18, United States Code, Sections 1955 and 371, by Stanley A. Rappucci, Frank Salvatore Cannone, Angelo A. Bontempo, Jon W. English, Joseph W. Maruca, Bennie Nusso, Joseph Russo, Thomas A. Gaetani, Ray Masciarelli, Jim (last name unknown), Rose (last name unknown), and others as yet unknown. A copy of the Attorney General's memorandum of authorization is attached hereto.

Accordingly, you or any other attorney on your staff who is an investigative or law enforcement officer of the United States within the meaning of Section 2510(7) of Title 18, United States Code, are authorized to make the above-described application.

Sincerely,

HENRY E. PETERSEN
Assistant Attorney General
Criminal Division

By: *James J. Featherstone*
JAMES J. FEATHERSTONE
Deputy Chief, Organized Crime
and Racketeering Section
Criminal Division

Enclosure

MP-16 AFFIDAVIT, APPLICATION, ORDER PLUS FIFTH
DAY REPORT.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

IN THE MATTER OF THE APPLICATION OF
THE UNITED STATES OF AMERICA FOR AN
ORDER AUTHORIZING THE INTERCEPTION OF
WIRE COMMUNICATIONS

Misc. No. MP16

O R D E R

AUTHORIZING INTERCEPTIONS OF WIRE COMMUNICATIONS

TO: Special Agents of the Federal Bureau of Investigation
United States Department of Justice

Application under oath having been made before me by EUGENE WELCH,
Assistant United States Attorney of the Northern District of New York, and
an "investigative or law enforcement officer" as defined in Section 2510(7)
of Title 18, United States Code, for an Order authorizing the interception
of wire communications pursuant to Section 2518 of Title 18, United States
Code, and full consideration having been given to the matters set forth therein,
the Court finds:

(a) There is probable cause to believe that STANLEY A. RAPPUCCI,
FRANK SALVATORE CANNONE, ANGELO A. BONTEMPO, JON N. ENGLISH,
JOSEPH N. MARUCA, BENNIE MUSSO, JOSEPH ROMEO, THOMAS A. GAETANI,
RAY MASCIARELLI, JIM (LNU), (last name unknown), ROSE (LNU), (last
name unknown), and others as yet unknown, have committed and are
committing offenses listed in Section 2516 of Title 18, United
States Code, involving the carrying on of an illegal gambling
business by five or more persons which illegal gambling business
has a gross revenue in excess of \$2,000.00 in a single day or
has been in substantially continuous operation for a period in
excess of thirty (30) days in violation of Article 225 of the
Penal Law of the State of New York and thereby in violation of
Section 1955 of Title 18, United States Code, and are conspiring
to commit such an offense in violation of Section 371 of Title
18, United States Code.

MP-16 AFFIDAVIT, APPLICATION, ORDER PLUS FIFTH
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(b) There is probable cause to believe that particular wire communications concerning these offenses will be obtained through the interception. In particular, these wire communications will concern the receipt and placing of bets and lay-off wagers on horse races and sporting events, the exchange of line information and dissemination of such information to persons engaged in the unlawful business of gambling, and the participants in the commission of the above-described offense.

(c) There is probable cause to believe that two (2) telephones have been used, are being used, and will continue to be used, by STANLEY A. RAPPUCCI, FRANK SALVATORE CANNONE, ANGELO A. BONTEMPO, JON N. ENGLISH, JOSEPH N. MARUCA, BENNIE MUSSO, JOSEPH ROMEO, THOMAS A. GAETANI, RAY MASCIARELLI, JIM (LNU), ROSE (LNU), and others as yet unknown, in connection with the commission of the above-described offenses. Those two telephones are:

one telephone subscribed under the name RAYMOND FORDNIA, bearing the number (607) 724-5301, located at 229 Chenango Street, Binghamton, New York, a four-story red brick building with the ground floor painted white;

and one telephone subscribed under the name of THOMAS A. GAETANI, bearing the number (607) 729-1401, located at 52 Rotary Avenue, Binghamton, New York, a two family, two-story frame dwelling.

(d) Normal investigative procedures either have been tried without success or reasonably appear unlikely to succeed if continued, or reasonably appear unlikely to succeed if tried.

WHEREFORE, it is hereby ORDERED that:

Special Agents of the Federal Bureau of Investigation, United States Department of Justice, are authorized pursuant to application authorized by the Attorney General of the United States, the Honorable William B. Saxbe,

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to exercise the powers conferred on the Attorney General by Section 2516
of Title 18, United States Code:

To intercept wire communications of STANLEY A. RAPPUCCI,
FRANK SALVATORE CANNONE, ANGELO A. BONTEMPO, JON N. ENGLISH,
JOSEPH N. MARUCA, BENNIE MUSSO, JOSEPH ROMEO, THOMAS A.
GAETANI, RAY MASCIARELLI, JIM (LNU), and ROSE (LNU), and
others as yet unknown, concerning the above-described
offenses to and from the following two (2) telephones:

One telephone subscribed under the name RAYMOND
FORDNIA, bearing the number (607) 724-5301, located
at 229 Chenango Street, Binghamton, New York, a
four-story red brick building with ground floor
painted white; and

One telephone subscribed under the name THOMAS A.
GAETANI, bearing the number (607) 729-1401,
located at 52 Rotary Avenue, Binghamton, N. Y., a
two-story, two family frame dwelling.

Such interception shall not automatically terminate when the
type of communication described above in paragraph (b) has
first been obtained, but shall continue until such communications
are intercepted which reveal the manner in which STANLEY A.
RAPUCCI, FRANK SALVATORE CANNONE, ANGELO A. BONTEMPO, JON N.
ENGLISH, JOSEPH N. MARUCA, BENNIE MUSSO, JOSEPH ROMEO, THOMAS A.
GAETANI, RAY MASCIARELLI, JIM (LNU), ROSE (LNU), and others as
yet unknown, participate in the illegal gambling business and
which reveal the identities of their confederates, their places
of operation, and the nature of the conspiracy involved therein,
or for a period of fifteen (15) days from the date of this Order,
whichever is earlier.

PROVIDED THAT, this authorization to intercept wire communications
shall be executed as soon as practicable, after the signing of this order,
and shall be conducted in such a way as to minimize the interception of
communications not otherwise subject to interception under Chapter 119 of

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of Title 18, United States Code, and must terminate upon attainment of the authorized objective, or, in any event, at the end of fifteen (15) days from the date of this Order.

PROVIDED ALSO, that EUGENE WELCH shall provide the Court with a report on the 5th and 10th day following the date of this Order showing what progress has been made toward achievement of the authorized objectives, and the need for continued interception.

IT IS FURTHER ORDERED that the New York Telephone Company, a communications carrier as defined in Section 2510(10) of Title 18, United States Code, shall furnish the applicant forthwith all information, facilities, and technical assistance necessary to accomplish the interceptions unobtrusively and with a minimum of interference with the services that such carrier is according the persons whose communications are to be intercepted, the furnishing of such facilities or technical assistance by the New York Telephone Company, to be compensated for by the applicant at the prevailing rates.

Dated: April 11th, 1974 .

UNITED STATES DISTRICT JUDGE

MP-16 AFFIDAVIT, APPLICATION, ORDER PLUS FIFTH
DAY REPORT.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

IN THE MATTER OF THE APPLICATION OF
THE UNITED STATES OF AMERICA FOR AN
ORDER AUTHORIZING THE INTERCEPTION
OF WIRE COMMUNICATIONS

MISC.No. MP 16

FIFTH DAY REPORT

Pursuant to the Order of this Court signed April 11,
1974, EUGENE WELCH provides the following report:

1. On April 11, 1974, at 6:00 P.M., authorized Special Agents of the Federal Bureau of Investigation began intercepting wire communications to and from one (1) telephone subscribed under the name THOMAS A. GAETANI bearing the number (607) 729-1401, located at 52 Rotary Avenue, Binghamton, New York, a two family, two-story frame dwelling (hereinafter referred to as "729-1401").

On April 12, 1974, at approximately 12:47 P.M., authorized Special Agents of the Federal Bureau of Investigation began intercepting wire communications to and from one (1) telephone subscribed under the name RAYMOND FORDNIA bearing the number (607) 724-5301, located at 239 Chenango Street, Binghamton, New York, a four-story red brick building with the ground floor painted white (hereinafter referred to as "724-5301").

2. Wire communications to and from subject telephones were so intercepted only during the following hours:

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729-1401 :

April 11, 1974 - from 6:00 p.m. to 8:05 p.m.
April 12, 1974 - from 12:00 p.m. to 8:04 p.m.
April 13, 1974 - from 11:30 p.m. to 8:05 p.m.
April 14, 1974 - from 10:40 a.m. to 3:00 p.m.
April 15, 1974 - from 11:30 a.m. to 8:05 p.m.

724-5301 :

April 12, 1974 - from 12:47 p.m. to 8:45 p.m.
April 13, 1974 - from 11:10 a.m. to 8:16 p.m.
April 14, 1974 - from 10:40 a.m. to 3:00 p.m.
April 15, 1974 - from 10:40 a.m. to 8:40 p.m.

The interception was limited to these hours in an effort to minimize the interception of communications not otherwise subject to interception under Chapter 119 of Title 18, United States Code, in compliance with that statute and this Court's order. These hours were chosen for conduct of the interception as a result of information provided by Sources I and II as set forth in the March 6, 1974, affidavit of Special Agent Robert R. Hazelwood, as well as from the statements made during the course of the intercepts when the speakers would advise the hours of operation for placing bets, as well as on the pattern that was evident from the earlier intercept conducted on 729-1401, pursuant to the March 6, 1974, Order of this Court. For example, on April 14, 1974, the hours were from 10:40 a.m. to 3:00 p.m. That day, April 14th, was Easter Sunday, and the speakers whose conversations were being intercepted, indicated that they were closing down at approximately 3:00 p.m.

3. During the hours set forth above, there were on

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"729-1401" a total of 283 calls to and from subject telephone. Upon determining that some of those calls were not connected to the illegal gambling business, the monitoring agent discontinued the intercept for the duration of such calls. Of those 283 calls, only 8 calls were determined by the monitoring agent to be nonpertinent. The total dollar amount being handled on that "729-1401" telephone during the five days was \$39,556.00. The total number of calls intercepted on "724-5301" were 223. Of those 223 calls, 47 were deemed nonpertinent by the monitoring agent and interception of those calls was immediately discontinued. The total dollar amount handled on "724-5301" during the four days involved herein was \$10,836.50. Each of the pertinent telephone conversations described above was monitored by an authorized Special Agent of the Federal Bureau of Investigation, as well as recorded, resulting in five reels of tape recordings for "729-1401" and four reels of tape recordings for "724-5301". There is one reel for each date, although the reels are not used in their entirety. Each reel is a 5" by 1/4" reel containing 900 feet of recording tape.

4. An analysis of the intercepted communications by the monitoring Special Agents indicates the total number of incoming and outgoing calls daily, as well as the total number of daily bets, total number of nonpertinent calls each day and the total dollar amount handled each day, as follows:

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729-1401:

	<u>In Calls</u>	<u>Out Calls</u>	<u>Bets</u>	<u>Non- pertinent calls</u>	<u>Total Dollar Handled</u>
Apr. 11, 1974	27	23	42	1	\$ 6,708.00
Apr. 12, 1974	41	27	65	1	10,772.00
Apr. 13, 1974	49	23	75	2	10,367.00
Apr. 14, 1974	36	14	36	1	8,506.00*/
Apr. 15, 1974	28	15	27	3	3,203.00

*/Easter Sunday

724-5301:

	<u>In Calls</u>	<u>Out Calls</u>	<u>Bets</u>	<u>Non- pertinent calls</u>	<u>Total Dollar Handled</u>
Apr. 12, 1974	52	19	60	15	\$ 3,368.00
Apr. 13, 1974	40	29	38	22	3,937.00
Apr. 14, 1974	32	9	23	2	2,124.50*/
Apr. 15, 1974	31	11	42	8	1,347.00

*/ Easter Sunday

These figures were reached by applying the code provided to Special Agent Hazelwood by Source I as set forth on page 5 of Agent Hazelwood's March 6, 1974 affidavit, as well as page 4-A and -B of Agent Hazelwood's April 11, 1974 affidavit in support of the Application for authorization to intercept these conversations, which code was verified by the speakers in earlier conversations on the earlier authorized intercept of 729-1401 (see specifically Agent Hazelwood's April 11, affidavit, pages 4-A and -B.)

*MP-16 AFFIDAVIT, APPLICATION, ORDER PLUS FIFTH
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5. During the interception on 729-1401, three persons, THOMAS A. GAETANI, STANLEY RAPPUCCI, and RAY MASCIARELLI, were identified by Special Agents of the Federal Bureau of Investigation, as well as a fourth person who, prior to the date of this interception, had remained unidentified, that is, one THOMAS J. ABBADESSA, who is identified as a bookie laying off wagers into the telephone number 729-1401 to THOMAS A. GAETANI, GAETANI using the name "SLAB". The identification of ABBADESSA was made through visual surveillances by Federal Bureau of Investigation Agents as well as voice identification of those Agents who went to the place from which the speaker indicated he was making the telephone call and there listened to THOMAS ABBADESSA where his voice was identified as being the same as the speaker on the intercepted telephone conversation. Through interception of the 724-5301 telephone number, one RAY MASCIARELLI was identified by Special Agents of the Federal Bureau of Investigation and the previously unidentified "JIM" whose last name had been unknown, has been identified through visual surveillances by F. B. I. Agents as one, JAMES W. McGRATH.

6. One particular conversation from telephone number 724-5301 was placed to telephone number 1-216-688-1827 at Monroe Falls, Ohio, in the vicinity of Akron, Ohio, where the speaker who had identified himself as "RAY" discussed getting his line information from Akron, Ohio. In the conversation a fee was discussed of \$135.00 a month or \$25.00 a week. "RAY" indicated he would purchase his line by the month at \$135.00 a month and indicated that he would use the name "RAY MILLS" when obtaining his

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line information from that Akron, Ohio telephone number. The speaker at the other end indicated that "RAY" should send his money to Post Office Box 2705, Akron, Ohio, for this line information. As a result of the intercepts on 729-1401, fourteen new code names have been heard in use. Thirteen names have been heard being used on the 724-5301 number.

7. Based upon the results of these first few days of interception, there is cause to believe that many people are using the subject telephones to conduct an illegal gambling business in violation of Title 18, United States Code, §§1955 and 371. Continued interception appears necessary until the manner in which that business is conducted can be determined with more certainty. More specifically, it is anticipated that through the means of continued interception coupled with visual surveillances by F.B.I. Agents, following up on statements made during the course of the telephone conversations whereby meetings are discussed or speakers indicate they are calling from a particular location, it is anticipated that the identities of the participants in this illegal gambling business can be established. In addition, it is anticipated that through the surveillances resulting from intercepting telephone conversations, it can be determined how and where the money to cover the telephone bets and lay-offs is collected and paid out. Therefore, it is submitted that further interception is needed, so that the authorized objective can be achieved.

Respectfully submitted,
JAMES M. SULLIVAN, JR.
United States Attorney

By _____
EUGENE WELCH
Assistant U. S. Attorney

Dated: April 16, 1974.

MP-17 AFFIDAVIT, APPLICATION, ORDER.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

- - - - -X
IN THE MATTER OF THE APPLICATION OF :
THE UNITED STATES OF AMERICA FOR AN :
ORDER AUTHORIZING THE INTERCEPTION :
OF WIRE COMMUNICATIONS :
- - - - -X

Misc. No. MP17

A F F I D A V I T

ROBERT R. HAZELWOOD, Special Agent, Federal Bureau of
Investigation, Albany, New York, being duly sworn states:

1. I am an "investigative or law enforcement officer"
within the meaning of Section 2510(7) of Title 18, United States Code,
that is, an officer of the United States, who is empowered by law to
conduct investigations of and to make arrests for offenses enumerated
in Section 2516 of Title 18, United States Code.

2. This affidavit seeks authorization to intercept wire
communications concerning offenses involving violations of Article
225 of the Penal Laws of the State of New York, and thereby, violations
of Sections 1955 and 371 of Title 18, United States Code, which
offenses have been and are being committed by STANLEY A. RAPPUCCI,
FRANK SALVATORE CANNONE, ANGELO A. BONTEMPO, JON N. ENGLISH, JOSEPH N.
MARUCA, BENNIE MUSSO, JOSEPH ROMEO, THOMAS A. GAETANI, RAY MASCIARELLI,
JIM (LNU)*, ROSE (LNU), PARKWAY (LNU), WOOD (LNU), an unidentified
male answering to the initials "BR", an unidentified female answering
to the initials "BR", and others as yet unknown.

3. I have supervised the conduct of the investigation
of these offenses and as a result of my personal participation in
that investigation and of reports made to me by other Special Agents
of the Federal Bureau of Investigation under my direction, I am

*Last Name Unknown

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2.

familiar with all the circumstances of said investigation. On the basis of that familiarity, I allege the facts contained in the numbered paragraphs below to show that:

(a) There is probable cause to believe that STANLEY A. RAPPUCCI, FRANK SALVATORE CANNONE, ANGELO A. BONTEMPO, JON N. ENGLISH, JOSEPH N. MARUCA, BENNIE MUSSO, JOSEPH ROMEO, THOMAS A. GAETANI, RAY MASCIARELLI, JIM "LNU", ROSE "LNU", PARKWAY "LNU", WOOD "LNU", an unidentified male answering to the initials "BR", an unidentified female answering to the initials "BR", and others as yet unknown are each conducting, financing, managing, supervising, directing or owning all or part of an illegal gambling business in violation of Article 225 of the Penal Laws of the State of New York, and Sections 1955 and 371 of Title 18, United States Code.

(b) There is probable cause to believe that wire communications of STANLEY A. RAPPUCCI, THOMAS A. GAETANI, PARKWAY "LNU", WOOD "LNU", an unidentified male answering to the initials "BR", an unidentified female answering to the initials "BR", and others as yet unknown concerning these offenses will be obtained through interceptions authorization for which is applied for herein.

(c) Normal investigative procedures have failed to gather evidence necessary to sustain prosecution for violations of the offenses and reasonably appear unlikely to succeed, if tried.

(d) There is probable cause to believe that telephone numbers (607) 754-6933, subscribed to by STANLEY A. "REPUCI", 708 Front Street, Vestal, New York, a two-story, frame and brick, single family dwelling; and (607) 754-0861, subscribed to by ROGER EVANEK, 820 Morlando Drive, Endicott, New York, a white Cape Cod style single family dwelling

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2a.

are being used and will be used in carrying out the offenses referred to above, all of which appear more fully hereafter. The records of the New York Telephone Company reflected the foregoing listings. The listings on "REPUCI" and EVANEK were obtained on April 12, 1974, by Special Clerk RONALD W. PALMER of the Federal Bureau of Investigation.

Telephone number (607) 754-0861 subscribed to by ROGER EVANEK, 820 Morlando Drive, Endicott, New York, is an unpublished telephone number.

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3.

BACKGROUND

4. On March 6, 1974, the Honorable EDMUND PORT, United States District Judge, Northern District of New York, signed an order authorizing the interception of wire communications over telephone number (607) 729-1401. The interception commenced on March 7, 1974, and terminated on March 21, 1974. The affidavit of Special Agent ROBERT R. HAZELWOOD on which that application is based is herein attached and incorporated by reference and marked Exhibit "B".

On April 11, 1974, the Honorable EDMUND PORT, United States District Judge, Northern District of New York, signed an order authorizing the interception of wire communications over telephone numbers (607) 729-1401 and (607) 724-5301. The interception on (607) 729-1401 commenced on April 11, 1974, and the interception on (607) 724-5301 commenced on April 12, 1974. The affidavit of Special Agent ROBERT R. HAZELWOOD on which the application is based is herein attached and incorporated by reference and marked Exhibit "C".

RESULTS OF INTERCEPTION

5. The interception of conversations over the above listed numbers set forth in paragraph four above, and investigations conducted by the Federal Bureau of Investigation resulted in:

(1) determining that an illegal gambling business was being conducted by THOMAS A. GAETANI, STANLEY RAPPUCCI, RAY MASCIARELLI, FRANK SALVATORE CANNONE and others which utilized various telephones; (2) determining that the gambling business involved both horse and sports bets; (3) identifying RAY as a person who exchanges results and lay-off bets with THOMAS GAETANI; (4) identifying STANLEY as a person who gives management and direction instructions in this illegal gambling operation to THOMAS GAETANI; (5) identifying ROSE "LNU" as a person who THOMAS GAETANI calls to get line information; (6) identifying "BR" as persons acting as bookmakers who call their wagers into THOMAS GAETANI, also known as "SLAB", and who telephonically receive their line information from GAETANI. The above was accomplished by your affiant's personal monitoring of communications over the telephones set forth in paragraph four above. During the

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period of interception, over \$2,000 in bets were recorded on each day of monitoring GAETANI on (607) 729-1401 (March 7, 1974 to March 21, 1974) and (April 11, 1974 to April 25, 1974), except March 18, 1974, and March 21, 1974.

6. The interceptions show that GAETANI, MASCIARELLI, RAPPUCCI, "BR", and others conduct an illegal gambling business which includes both horse and sports bets. MASCIARELLI mainly conducts the horse betting portion of the operation while GAETANI, "BR", and RAPPUCCI are mainly concerned with the sports betting portion. GAETANI, MASCIARELLI, and RAPPUCCI will, however, take either kind of bet. It is clear from the interceptions that RAPPUCCI directs GAETANI in the wagering action handled by GAETANI. During the periods of interception, numerous gambling calls were recorded between GAETANI and RAPPUCCI. In one of these calls RAPPUCCI chastised GAETANI for laying off action to local gamblers and losing RAPPUCCI's vig, and instructs GAETANI not to do it again.

(a) Similar conversations containing instructions from RAPPUCCI to GAETANI are described in your affiant's April 11, 1974, affidavit attached hereto as Exhibit "C". Further details concerning results of the interception of telephone number (607) 729-1401 during the period March 7, 1974, to March 21, 1974, are set forth in your affiant's April 11, 1974, affidavit, Exhibit "C", and are incorporated herein, by reference. (See pages 4 through 16 of Exhibit "C".)

7. The interception of communications over telephone number (607) 729-1401 begun on April 11, 1974, gives your affiant probable cause to believe that telephone number (607) 754-6933 is being used and will be used by STANLEY RAPPUCCI, THOMAS GAETANI, and others to

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5.

conduct an illegal gambling business and probable cause to believe that (607) 754-0861 is being used and will be used by "BR", THOMAS GAETANI, and others to conduct an illegal gambling business.

This probable cause is based upon conversations on telephone number (607) 729-1401 between GAETANI and RAPPUCCI in which it is indicated that RAPPUCCI will discuss management questions concerning the illegal gambling business over his telephone number (607) 754-6933 as set forth in the examples below; as well as conversation on telephone number (607) 729-1401 between GAETANI and "BR" in which it is indicated that "BR" has received bets at "BR's" telephone number (607) 754-0861 as set forth in the examples below.

8. The following is an excerpt of an outgoing call GAETANI made to RAPPUCCI at 6:16 P.M. on March 8, 1974. The call was made from telephone number (607) 729-1401 to (607) 754-6933:

RAPPUCCI	-	Hello.
GAETANI	-	Yeah, I's, I got that.
RAPPUCCI	-	Got it?
	-	Huh.
RAPPUCCI	-	You got it?
GAETANI	-	Yeah, EDDIE wasn't there, but he's supposed to call.
RAPPUCCI	-	Can't hear ya.
GAETANI	-	I sav the other guy wasn't there, but he's supposed to call me tonight.
RAPPUCCI	-	All right, listen.
GAETANI	-	I'll straighten that out with him.
RAPPUCCI	-	When ROSE calls right?
GAETANI	-	Right.
RAPPUCCI	-	Tell him to call me, will va?
GAETANI	-	All right, tell him to call vou.
RAPPUCCI	-	Ya, tonight, tonight, tell him to call me tonight.
GAETANI	-	What time?
RAPPUCCI	-	I'll be home all night.
GAETANI	-	All right.
RAPPUCCI	-	Tell, sav, tell PORKY to call STANLEY.
GAETANI	-	You want who?
RAPPUCCI	-	Just sav tell PORKY to call STANLEY.
GAETANI	-	Sav that to ROSE?
RAPPUCCI	-	Yeah.

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6.

GAETANI - Tell PORKY to call STANLEY?
 RAPPUCCI - Right.
 GAETANI - Let me write that down, PORKY to call STANLEY.
 RAPPUCCI - Give him my number.
 GAETANI - Right - yeah, let's see, we stand 25,31 we're about three dimes up.
 RAPPUCCI - Huh.
 GAETANI - For the week
 RAPPUCCI - How much.
 GAETANI - About three dimes and a little over
 RAPPUCCI - Good, we can use it.
 GAETANI - For this week so far, ah, the layoffs hurt you know, the (Obscene) ah, oh, I, I didn't give nothing to PORKY yesterday.
 RAPPUCCI - Yeah.
 GAETANI - He didn't even bother calling so I ain't going to give him nothing anyhow.
 RAPPUCCI - tonight?
 GAETANI - Huh, no I didn't give him no line.
 RAPPUCCI - Huh
 GAETANI - I ain't giving CHOPS no line
 RAPPUCCI - Don't give him the line
 GAETANI - No but I figure I got beat yesterday on that turnaround. RAY couldn't be there.
 RAPPUCCI - How'd you get beat?
 GAETANI - Well we could a gone both sides
 RAPPUCCI - Oh yeah.
 GAETANI - They had a 10 1/2 the opposite, bet both sides, we lock both sides up, right?
 RAPPUCCI - Right, well as soon as my lays over, I'm goinna start working a little bit, I'll teach you how to do some business.
 GAETANI - Well, I can't do it 'cause I don't know what to do. I know what to do in that situation.
 RAPPUCCI - Yeah, well I'll show you other things to do.
 GAETANI - When you get something like that.
 RAPPUCCI - I'll show you, it's easy. It's work though, it's a job.
 GAETANI - What's left now before, I don't want to get all (Obscene) here. Let me see.
 RAPPUCCI - Bring me that money tonight, will ya?
 GAETANI - No, God no, tomorrow.
 RAPPUCCI - I'll, I'm going to be leaving early.
 GAETANI - Where you going?
 RAPPUCCI - I'll stop by your house.

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7.

GAETANI - Yeah, what time.
 RAPPUCCI - Early in the morning.
 GAETANI - Let me see, 1's ok, 4's ok, 5 took care
 6, I'll hear from tomorrow. I'll go
 get that, ok?
 RAPPUCCI - Yeah and tell ah
 GAETANI - 9 ah 9
 RAPPUCCI - 9 and 5 they gotta do something. I need
 the money tonight.
 GAETANI - He says he take care of you
 RAPPUCCI - He didn't see me yet.
 GAETANI - What, 9 and 5?
 RAPPUCCI - Yeah.
 GAETANI - Let me put that down, yeah I talked to
 Diddy, 24 says carry, Wood, the cat,
 did ya see the cat?
 RAPPUCCI - Yeah.
 GAETANI - Ah so EDDIE I gotta do the thing with
 51's ok ABBO (phonetic), ABBO's all
 settled.
 RAPPUCCI - Yeah.
 GAETANI - PHIL is straight, ANDY is straight.
 RAPPUCCI - Yeah.
 GAETANI - Let me check em, HERBIE is straight?
 RAPPUCCI - Yeah.
 GAETANI - LIBBY is all set and ROSE, I'll have
 him call. All right, the only thing
 we got left is EDDIE.
 RAPPUCCI - Right.
 GAETANI - You leaving tomorrow?
 RAPPUCCI - I'll be back Sunday afternoon.
 GAETANI - Yeah, I mean what time you going, what
 time you going to stop here?
 RAPPUCCI - Early in the morning.
 GAETANI - Early in the morning?
 RAPPUCCI - About 11 o'clock.
 GAETANI - Yeah, I'll be up (Obscene), I'll have
 the paper by then. There's no News;
 it's on strike, see you later.
 RAPPUCCI - See you later.

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8.

9. From this conversation it is clear that RAPPUCCI is instructing GAETANI to tell "ROSE" (LNU) to call RAPPUCCI at RAPPUCCI's telephone number. Your affiant has monitored telephone conversation between GAETANI and ROSE (LNU) in which ROSE (LNU) gives GAETANI line information and accepts layoffs from GAETANI. In addition to these instructions concerning ROSE (LNU), RAPPUCCI discusses with GAETANI bettors who are paid up. They mention "EDDIE" as the only one left to straighten up and GAETANI tells RAPPUCCI that "we" are about \$3,000 up for the week, in this illegal gambling business.

10. The following is a transcript from outgoing call made at 7:35 P.M. on April 11, 1974, from GAETANI to RAPPUCCI from telephone number (607) 729-1401 to (607) 754-6933.

STAN	-	Hello
SLAB	-	Animal?
STAN	-	Yeah.
SLAB	-	Uh - I've got a dime on Detroit.
STAN	-	Yeah.
SLAB	-	I layed a - I give HERBIE and RAY some.
STAN	-	For what?
SLAB	-	Uh, he said - HERBIE said which way do ya go when you ain't got nothing? I said I went with Detroit. He said give me some. So I gave him three dollars a piece. I had three. You don't want to do that?
STAN	-	No, we don't do that for nobody. You don't give up the vig to nobody.
SLAB	-	Why do you give it to him or ROSE?
STAN	-	I don't give a (Obscene). I don't give it to nobody.
SLAB	-	Well you don't say these things, you told -
STAN	-	Well (Obscene) don't make up your own things. I don't give up nothing to nobody.
SLAB	-	Well, what do you mean you don't give nothing?
STAN	-	I don't give up nothing to nobody around here.
SLAB	-	Well tell me.
STAN	-	Ah, you make too many mistakes SLAB. You take too much upon yourself.
SLAB	-	well you didn't ever say now what you want to do . .
STAN	-	I never said to give it to them either.
SLAB	-	What if I can't get rid of it?

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9.

STAN - That's where - I'll eat it.
 SLAB - You want to eat it?
 STAN - That's the answer.
 SLAB - Well why didn't you tell me so
 I'd know what the (Obscene) I'm doing?
 STAN - So what did you do? Who did you
 give what to who?
 SLAB - I give 300 on Detroit to HERBIE and
 3 to RAY and I gave 12 to ROSE. I
 gave one, two, three something.
 STAN - Is that at Detroit?
 SLAB - Huh?
 STAN - Is this the last game at that?
 SLAB - I can't hear you.
 STAN - Is this the last game at Detroit?
 SLAB - No, it's a - - if Chicago wins, it's
 all over - - or I don't know it's
 tied up, I don't know what the (Obscene)
 it is, where the series are. I ain't
 even looked at the paper.
 STAN - What's the line?
 SLAB - Huh?
 Detroit is 3 1/2.
 STAN - And who else did they take?
 SLAB - That's all they took. They had that
 one duece on Chicago and everybody
 went to Detroit.
 STAN - What's the other game?
 SLAB - What other game?
 STAN - You got any other games?
 SLAB - That's the only basketball. Outside
 of that they want - uh- 4 went for 400
 on San Diego and they're 8 to 5. Dogs.
 STAN - All right.
 SLAB - Do you want to keep that then, right?
 STAN - Yeah.
 SLAB - See you at 8:15
 STAN - Goodbye.

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10.

11. From the above conversation it is apparent that RAPPUCCI manages and directs this illegal gambling business from this telephone number (607) 754-6933 in that he instructs GAETANI how to handle layoff action.

12. The following is a transcript of an incoming call from an unidentified male at 7:04 P.M. on April 12, 1974, to GAETANI at telephone number (607) 729-1401.

SLAB	-	Yeah.
PARKWAY	-	Hello.
SLAB	-	Yeah.
PARKWAY	-	PARKWAY
SLAB	-	New York is 5 and Boston is 3.
PARKWAY	-	Ok
SLAB	-	All right?
PARKWAY	-	Hey.
SLAB	-	Huh?
PARKWAY	-	Ok, you ready for me?
SLAB	-	Yeah, what have you got?
PARKWAY	-	Ok, let's see. Ok, you ready?
SLAB	-	Yeah.
PARKWAY	-	All right. I'll take uh - -
		Ok - - at Rockingham
SLAB	-	No Rockingham he said
PARKWAY	-	Oh, come on.
SLAB	-	No Rockingham.
PARKWAY	-	Aw, (Obscene). Come on.
SLAB	-	No Rockingham.
PARKWAY	-	Why? Jesus Christ it's the same thing.
SLAB	-	Call him up and ask. Huh?
PARKWAY	-	It's the same thing.
SLAB	-	He doesn't want it.
PARKWAY	-	Well (Obscene).
SLAB	-	Well, you tell him.
PARKWAY	-	It's not fair.
SLAB	-	What's not fair?
PARKWAY	-	You uh - - he takes it all over at
		other - - uh, uh - - when the (Obscene)
		horse loses, and now . . .
SLAB	-	You ain't had a
PARKWAY	-	. . . and now - -huh?
SLAB	-	You ain't had a loser yet.
PARKWAY	-	What do you mean? This is SOUPIE.
SLAB	-	Who? I don't know a SOUPIE.
PARKWAY	-	SUPERMAN. This is mine.
SLAB	-	He says no Rockingham.
PARKWAY	-	Well maybe he thinks it's something else

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11.

SLAB - No. He says no Rockingham.
 No nothing.
 PARKWAY - Where is he?
 SLAB - Call him up at his house.
 PARKWAY - Well I'll call. (Obscene).
 What is it? What's his number?
 SLAB - 754-6933.
 PARKWAY - 754-46
 SLAB - 754-6933
 PARKWAY - Wait a minute. 754
 SLAB - 6933
 PARKWAY - I'll call you right back.
 SLAB - Goodbye.

13. It is clear from this conversation that GAETANI is following instructions from RAPPUCCI and he instructs the caller to call RAPPUCCI at telephone number (607) 754-6933 to verify instructions given by RAPPUCCI.

14. The following is a transcript of an outgoing call at 12:58 P.M. on April 14, 1974, from GAETANI to an unidentified male at telephone number (607) 754-0861. This call was made from telephone number (607) 729-1401.

UNKNOWN MALE (UM) - Hello
 SLAB - You got anything?
 UM - Yeah, who is this?
 SLAB - This is me.
 UM - Oh BR, ah, take two dollars on Boston right now.
 SLAB - All right, Boston minus 4 1/2
 UM - Right, two dollars
 SLAB - For two dollars, that's all you got?
 UM - Ah the first Yankee game
 SLAB - Wait a minute
 UM - Whatever the line happens to be
 SLAB - Yankees
 UM - Take 250
 SLAB - First, you want the first game?
 UM - Right
 SLAB - To win 2 1/2
 UM - Right
 SLAB - Right
 UM - And the first Philly game
 SLAB - First Philly game
 UM - Take 2 dollars
 SLAB - On Philly?
 UM - Right
 SLAB - You want 2 dollars on Philly
 UM - Right and the rest I'll call va
 SLAB - Righto
 UM - Thank you

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12.

15. The following is a transcript of an outgoing call at 6:31 P.M. on April 15, 1974, from GAETANI to an unidentified female at telephone number (607) 754-0861 from telephone number (607) 729-1401.

UNKNOWN FEMALE	-	Hello.
SLAB	-	BR.
UF	-	Oh, hang on.
(SLAB to unidentified person in room - get going, thank you dear)		
UF	-	I'm awful sorry, I just walked in the door.
SLAB	-	You just walked in the door?
UF	-	Yeah.
SLAB	-	Good golly
UF	-	I know, I'm such a (unidentified word).
SLAB	-	You got a lot of early games
UF	-	Good
SLAB	-	All set?
UF	-	All set
SLAB	-	The Cards are 6-7 at 7:30
UF	-	6-7 at 7:30
SLAB	-	Atlanta is 8 1/2 - 2
UF	-	8 1/2 - 2
SLAB	-	At 7:30
UF	-	Ok
SLAB	-	Frisco is 5 1/2, I mean Houston is 5 1/2, 6 1/2, that's 8 o'clock.
UF	-	All right.
SLAB	-	California is 7-8
UF	-	7-8
SLAB	-	And Baltimore is 6-7 at 7 o'clock
UF	-	6-7 at 7
SLAB	-	You got any bottoms?
UF	-	I got ah 1255
SLAB	-	1255, ah let's see when I do mine, All set then?
UF	-	All right, do we have an Oakland -White Sox?
SLAB	-	No, they didn't give me nothing on that
UF	-	Oh, all right
SLAB	-	All right, bye-bye
UF	-	Bve

16. The following is a transcript of an outgoing telephone call at 6:45 P.M. on April 16, 1974, from GAETANI to an unidentified male. Call was made to telephone number (607) 754-0861 from telephone number (607) 725-1401.

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13.

UNKNOWN MALE (UM) - Hello
 SLAB - BR?
 UM - Yeah, one second, ok
 SLAB - You got the baseball, I give you all of it this afternoon?
 UM - Uh, yeah.
 SLAB - All right, draw a line, it's all the same for tonight. The Cards and Atlanta 7:30
 UM - Ok
 SLAB - You got that?
 UM - Ok
 SLAB - All right, New York is 2 1/2 in the baskets
 UM - 2 1/2
 SLAB - And Milwaukee is 8.
 UM - 8
 SLAB - Righto
 UM - Umm, neither one of those is early are they.
 SLAB - No, the only two games is ah the Cards and Atlanta is early, 7:30
 UM - Ok
 SLAB - See you later.

17. It is clear from the above three conversations between GAETANI and an unknown female and male, referred to as "BR", that GAETANI is furnishing line information and accepting layoff from "BR".

18. The following is a transcript of an outgoing call at 12:56 P.M. on April 17, 1974, from telephone number (607) 729-1401 to (607) 754-0681 from GAETANI to an unidentified female.

FEMALE - Hello
 SLAB - BR?
 BR - Yes
 SLAB - Make that Milwaukee game at 2 o'clock
 BR - Oh, I've been giving it out anyway
 SLAB - Huh
 BR - I've been giving it out anyway
 SLAB - At 2 o'clock?
 BR - No, I thought you said it was 7 so I thought I try and get it this afternoon 'cause most of the guys don't call
 SLAB - All right, if they call back tell them it's a 2 o'clock game
 BR - Ok, that's good
 SLAB - It's liable to be 7 but I don't want to take no chances
 BR - Right.
 SLAB - Make it at 2
 BR - Right, thanks
 SLAB - Ok

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14.

19. It is clear from the above call that the unidentified female referred to as "BR" utilizes this telephone to disseminate gambling information received from GAETANI.

20. The following is an excerpt of an incoming call to GAETANI on telephone number (607) 729-1401 at 12:16 P.M. on April 19, 1974, from a person named "WOOD".

21.

SIAB: Did he call ya?
 WOOD: No
 SIAB: Ah, he says ok, go ahead.
 WOOD: Don't worry about it then?
 SIAB: Ya, I got, he said he'll call ya today
 but he told me in case he ain't up he
 said to tell ya all right.
 WOOD: Ya, well I'm gonna check with him,
 make sure, ya know?
 SIAB: I gotta see him myself today.
 WOOD: Did va get a line yet?
 SIAB: No, not yet.
 WOOD: Ok, I'll call ya later.
 SIAB: Righto

22. The following is a transcript of an outgoing call made at 12:21 P.M. on April 19, 1974, from GAETANI to RAPPUCCI. The call was made from telephone number (607) 729-1401 to telephone number (607) 754-6933:

23.

STAN: Hello
 SIAB: Hey
 STAN: Yeah
 SIAB: Call WOOD?
 STAN: What's his number?
 SIAB: Ah, he just called me. I say's ok, Isn't
 that what you said?
 STAN: How much?
 SIAB: I don't know, he
 STAN: What's he wanna bet? Nickel, dime?
 SIAB: Fi, I don't know, what's he, what's his
 ah thing? I don't even know that, nick--
 STAN: Let him bet what he wants.
 SIAB: Huh?
 STAN: Let him bet what he wants
 SIAB: Whatever he wants?
 STAN: Yeah
 SIAB: His number is ah 748-2360.
 STAN: 2360?, see va later
 SIAB: Ah, what time I gonna see you today?

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15.

STAN: I'll be around
 SLAB: I know that, but what time?
 STAN: Told ya before I'll be around.
 SLAB: Bye
 STAN: 723-46 what?
 SLAB: 748
 STAN: Ya
 SLAB: 2360
 STAN: Bve

24. From the above two conversations it is clear that a person named WOOD called GAETANI at 12:16 P.M. on April 19, 1974, and GAETANI told him, "He says ok, go ahead". Immediately thereafter, at 12:21 P.M. on April 19, 1974, GAETANI calls RAPPUCCI and tells him to call WOOD, and gives him WOOD's telephone number as 748-2360. During this conversation RAPPUCCI asks GAETANI how much WOOD wants to bet; \$500 or a \$1,000. After GAETANI tells him he does not know, RAPPUCCI instructs GAETANI to "let him bet what he wants".

25. The following is an excerpt of an outgoing call GAETANI made to RAPPUCCI at 1:41 P.M. on April 21, 1974, from telephone number (607) 729-1401 to (607) 754-6933:

RAPPUCCI: Hello
 GAETANI: What do you want to keep today, a dime?
 RAPPUCCI: How are we doing?
 GAETANI: Oh, after yesterday, was about a standoff, maybe lost a little.
 RAPPUCCI: All right, keep about a dime.

26. It is apparent from this conversation that GAETANI tells RAPPUCCI how they "stand" in this illegal gambling operation and RAPPUCCI directs GAETANI to keep about a \$1,000 of the action on April 21, 1974.

27. The following is a transcript of an outgoing call made at 1:51 P.M. on April 21, 1974, from GAETANI to "BR" from telephone number (607) 729-1401 to telephone number (607) 754-0861:

"BR": Hello
 GAETANI: BR?
 BR: Yes, sir
 GAETANI: You got anything to go?
 BR: Ah, yeah.
 GAETANI: Before post time
 BR: Okay, nothin on the baskets
 GAETANI: Nothing on the baskets
 BR: Right, uh I need Oakland
 GAETANI: Oakland
 BR: To win, three dollars
 GAETANI: Oakland, ya want Oakland to win, three dollars

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16.

BR: And the second Cincinnati game
 GAETANI: Cincy in the second.
 BR: To win, one fifty on Cincy
 GAETANI: To win, one fifty
 BR: And
 GAETANI: Minus the two runs
 BR: Right, St. Louis
 GAETANI: Let's see, who the hell, the Cards, right
 BR: To win fifty
 GAETANI: Cards, for fifty
 BR: Uh, Houston
 GAETANI: Houston
 BR: To win one fifty
 GAETANI: Houston, to win one fifty
 BR: And that's it
 GAETANI: Uh, ya got Oakland for three dollars
 BR: Right.
 GAETANI: Cincy in the second, a buck and a half
 BR: Right.
 GAETANI: The Cards for half and Houston for a buck
 and a half.
 BR: Right.
 GAETANI: Righto
 BR: Okay

28. It is apparent from this call that the person called "BR" is giving \$650 in illegal wagers to GAETANI on baseball games.

29. As a result of the foregoing, I have probable cause to believe that STANLEY A. RAPPUCCI, FRANK SALVATORE CANNONE, ANGELO A. BONTEMPO, JON N. ENGLISH, JOSEPH N. MARUCA, BENNIE MUSSO, JOSEPH ROMEO, THOMAS A GAETANI, RAY MASCIARELLI, JIM (LNU), ROSE (LNU), PARKWAY (LNU), WOOD (LNU), an unidentified male answering to the initials "BR", an unidentified female answering to the initials "BR", and others as yet unknown are persons who have been and are presently conducting, financing, managing, supervising and directing an illegal gambling business and are dependent upon using wire communication facilities for the transmission of bets and wagers and information assisting in placing of bets and wagers on horse races and sports events in violation of Title 18, United States Code, Section 1955.

30. As a result of the investigation described above, I have probable cause to believe that an interception of communications transmitted through the telephone wires of the New York Telephone Company, telephone numbers (607) 754-6933, and (607) 754-0861 will result in the obtaining of evidence of the commission of the aforesaid

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16a.

violations on the part of STANLEY A. RAPPUCCI, FRANK SALVATORE CANNONE, ANGELO A. BONTEMPO, JON N. ENGLISH, JOSEPH N. MARUCA, BENNIE MUSSO, JOSEPH ROMEO, THOMAS A. GAETANI, RAY MASCIARELLI, JIM (LNU), ROSE (LNU), PARKWAY (LNU), WOOD (LNU), an unidentified male answering to the initials "BR", an unidentified female answering to the initials "BR", and others as yet unknown in the commission of aforesaid violations, said evidence consisting of recordings and transcriptions of the transmission of bets and wagers, information assisting in the placing of bets and wagers on horse races, sports events, and information regarding the operation of the gambling business between the above named individuals and other persons.

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17.

31. As indicated above telephone number (607) 754-0861 is a non-published number subscribed to by ROGER EVANEK, 820 Morlando Drive, Endicott, New York. On April 15, 1974, Special Clerk RONALD PALMER obtained from the records of the New York Telephone Company another telephone listing subscribed to by ROGER EVANEK and located at the same address, 820 Morlando Drive, Endicott, New York. The second telephone number is (607) 754-7466 and is a published number.

32. The premises at 820 Morlando Drive, Endicott, New York, is a single family dwelling house in a residential neighborhood. Spot checks of those premises by Special Agents of the Federal Bureau of Investigation since April 12, 1974 have discovered no unusual vehicular or pedestrian traffic arriving at this residence. Based upon this fact, as well as the fact that there are two telephones at this residence, one of which is an unpublished telephone number and it is to that unpublished number calls concerning this illegal gambling business are placed and based upon the telephone conversation of April 1 1974, in which the female voice at that number indicated that she had disseminated gambling information over the telephone, there is probable cause to believe that telephone number (607) 754-0861 is being used and will be used to conduct an illegal gambling business.

33. If a search warrant was obtained and executed, although it would probably result in the seizure of gambling records, it would still fail to prove the necessary elements of Title 18, United States Code, Section 1955 and also fail to reveal the complete nature and extent of this bookmaking operation and the identities of all of the persons involved. Also there are no known witnesses who could be relied upon to truthfully testify to the violations in question. Due to the secretiveness and security precaution with which the violations

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18.

are carried out, the interception of these communications is the only available method of investigation which has a reasonable likelihood of securing the evidence necessary to prove the commission of these violations.

34. Confidential sources 1 and 2 referred to in Exhibits "B" and "C" have stated they are unwilling to give testimony against the defendants in any proceedings for fear of their personal safety.

35. In order to insure the security of this investigation all normal avenues of investigation are closed and the only reasonable way to develop necessary evidence of a violation of Federal statutes by RAPPUCCI and others named above from their bases of operation is to intercept wire communications from the telephone numbers enumerated herein.

36. No other application is known to this affiant to have been made for authorization to intercept wire or oral communications from the parties listed in paragraph two above, or from the telephones as specified in this affidavit or any other facility or premises on which they are located, with the following exceptions:

All of the individuals listed in paragraph two of this affidavit with the exception of RAY MASCIARELLI, JIM (LNU), ROSE (LNU), PARKWAY (LNU), WOOD (LNU), an unidentified male answering to the initials "BR", and an unidentified female answering to the initials BR" were mentioned in the court order signed by the Honorable EDMUND PORT, United States District Court Judge, Northern District of New York, on March 6, 1974, and all except PARKWAY (LNU), WOOD (LNU), an unidentified male answering to the initials "BR", and an unidentified female answering to the initials "BR" were listed in the order of April 11, 1974. Judge PORT's orders included telephone numbers (607) 729-1401 and (607) 729-5301 and this is set forth in paragraph four of this affidavit.

MP-17 AFFIDAVIT, APPLICATION, ORDER.

18a.

On April 22, 1972, United States District Court Judge JAMES T. FOLEY, Northern District of New York, signed a court order authorizing the interception of wire communications over telephone numbers (607) 722-9622 and (607) 722-7661. In this court order telephone number (607) 722-9622 was subscribed to by CHRIS's HOTDOG STAND, 240 Chenango Street, Binghamton, New York, and billed to RAY MASCIARELLI at the same address. Also telephone number (607) 722-7661 was subscribed to by GERALD SINES with the telephone located at his residence, 102 Conklin Avenue, Binghamton, New York, and with extensions of that same number located at CHRIS's HOTDOG STAND, 240 Chenango Street, Binghamton, New York, and at 4115 Felters Road, Binghamton, New York, the residence of RAY MASCIARELLI.

MP-17 AFFIDAVIT, APPLICATION, ORDER.

19.

37. Section 803 of Title VIII entitled, "Syndicated Gambling" of the "Organized Crime Control Act of 1970", Public Law 91-452, 91st Congress, approved October 15, 1970, amended Chapter 95, Title 18, United States Code, by adding a new section, Section 1955, Prohibition of Illegal Gambling Business. Section 801 of Title VIII of this Act contains special findings that illegal gambling involves widespread use of, and has an effect upon, interstate commerce and the facilities thereof.

38. In view of the information developed as set forth above that the activity to be electronically covered is believed to represent a continuing criminal conspiracy, it is further believed that the evidence sought through interception of these communications should be obtained on a continuing basis on several days succeeding the first receipt of communications which is the objective of this request not to exceed 15 days, so that the entire scope of the conspiracy together with the identification of participants herein can be established. Therefore, it is requested that these interceptions not terminate when the sought communications are first obtained and that this authority continue for a reasonable period thereafter.

WHEREFORE, I submit that probable cause exists to believe the existence of facts as set out hereinbefore.

/s/
ROBERT R. HAZELWOOD
Special Agent
Federal Bureau of Investigation

Subscribed and sworn to before me
this 31 day of May, 1974.

/s/ Edmund P. J.

450.5

MP-17 AFFIDAVIT, APPLICATION, ORDER.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

In the Matter of the Application of the
United States of America for an Order
Authorizing Interception of Wire
Communications

AFFIDAVIT

ROBERT R. HAZELWOOD, being duly sworn deposes and
says:

1. I am a Special Agent of the Federal Bureau of Investigation, and as such, I am an "investigative or law enforcement officer of the United States" within the meaning of Section 2510(7) of Title 18, United States Code, that is, an officer of the United States who is empowered by law to conduct investigations of and to make arrests for the offenses enumerated in Section 2516 of Title 18 of the United States Code; and I have been a Special Agent of the Federal Bureau of Investigation since 1971, and during that time, I have participated in approximately 45 investigations concerning illegal gambling enterprises. I have been assigned to the Binghamton, New York Resident Agency of the Federal Bureau of Investigation since February, 1973.

2. I submit this affidavit in support of an application seeking authorization to intercept wire communications pertaining to offenses involving violations of Section 225.05 of the Penal Laws of the State of New York, and thereby, violations of Sections 1955 and 371 of Title 18, United States Code, which offenses have been committed by Stanley A. Rappucci, Frank Salvatore Causado, Angelo A. Pontorno, Jon W. English, Joseph H. Maruca, Dennis Russo, Joseph Russo and Thomas A. Castani, with a Headquarters

EXHIBIT B

NOTE: First page only of Exhibit B
is being furnished. (EXHIBIT
B is same as AFFIDAVIT furnished
in MP-15).

MP-17 AFFIDAVIT, APPLICATION, ORDER.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

-----X
IN THE MATTER OF THE APPLICATION OF :
THE UNITED STATES OF AMERICA FOR AN : Misc. No.
ORDER AUTHORIZING THE INTERCEPTION :
OF WIRE COMMUNICATIONS :
-----X

A F F I D A V I T

ROBERT R. HAZELWOOD, Special Agent, Federal Bureau of
Investigation, Albany, New York, being duly sworn states:

1. I am an "investigative or law enforcement officer"
within the meaning of Section 2510(7) of Title 18, United States Code,
that is, an officer of the United States, who is empowered by law to
conduct investigations of and to make arrests for offenses enumerated
in Section 2516 of Title 18, United States Code.

2. This affidavit seeks authorization to intercept wire
communications concerning offenses involving violations of Article
225 of the Penal Laws of the State of New York, and thereby, violations
of Sections 1955 and 371 of Title 18, United States Code, which
offenses have been and are being committed by STANLEY A. RAPPUCCI,
FRANK SALVATORE CANNONE, ANGELO A. BONTEMPO, JON N. ENGLISH, JOSEPH N.
MARUCA, BENNIE MUSSO, JOSEPH ROMEO, THOMAS A. GAETANI, RAY MASCIARELLI,
JIM (LNU)*, ROSE (LNU), and others as yet unknown.

3. I have supervised the conduct of the investigation
of these offenses and as a result of my personal participation in
that investigation and of reports made to me by other Special Agents
of the Federal Bureau of Investigation under my direction, I am

*Last Name Unknown

NOTE: First page only of EXHIBIT C is being
furnished. (EXHIBIT C is the same as
the affidavit furnished in MP-16)

EXHIBIT C

MP-17 AFFIDAVIT, APPLICATION, ORDER.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

IN THE MATTER OF THE APPLICATION OF
THE UNITED STATES OF AMERICA FOR AN
ORDER AUTHORIZING THE INTERCEPTION
OF WIRE COMMUNICATIONS

Misc. No. MP 17

A P P L I C A T I O N

EUGENE WELCH, Assistant United States Attorney for the
Northern District of New York, being duly sworn, states:

1. He is an "investigative or law enforcement officer -- of
the United States" within the meaning of Section 2510(7) of Title
18, United States Code, that is, -- an attorney authorized by law
to prosecute or participate in the prosecution of offenses
enumerated in Section 2516 of Title 18, United States Code.

2. Pursuant to the powers conferred on him by Section 2516
of Title 18, United States Code, the Attorney General of the
United States, the Honorable William B. Saxbe, has authorized this
application for an order authorizing the interception of wire
communications. Attached to this application as Exhibit A are the
letter of notification of approval from the Criminal Division, and
a copy of the Attorney General's Memorandum of Authorization.

3. This application seeks authorization to intercept wire
communications of STANLEY A. RAPPUCCI, THOMAS A. GAETANI, PARKWAY
(LNU)*, WOOD (LNU)*, an unidentified male answering to the initials
"BR", an unidentified female answering to the initials "BR", and
others as yet unknown, concerning offenses enumerated in Section
2516 of Title 18, United States Code, that is -- offenses involving
the carrying on of an illegal gambling business by five or more
persons, which illegal gambling business has a gross revenue in

* (last name unknown)

MP-17 AFFIDAVIT, APPLICATION, ORDER.

in excess of \$2,000.00 in a single day or has been in substantially continuous operation for a period in excess of thirty (30) days, in violation of Article 225 of the Penal Law of the State of New York and thereby in violation of Section 1955 of Title 18, United States Code, and a conspiracy to commit such an offense, in violation of Section 371 of Title 18, United States Code, which have been committed and are being committed by STANLEY A. RAPPUCCI, FRANK SALVATORE CANNONE, ANGELO A. BONTEMPO, JON N. ENGLISH, JOSEPH N. MARUCA, BENNIE MUSSO, JOSEPH ROMEO, THOMAS A. GAETANI, RAY MASCIARELLI, JIM (LNU), ROSE (LNU), PARKWAY (LNU). WOOD (LNU), an unidentified male answering to the initials "BR", an unidentified female answering to the initials "BR", and others as yet unknown.

4. Section 803 of Title VIII, entitled Syndicated Gambling of the "Organized Crime Control Act of 1970", Public Law 91-452, 91st Congress, approved October 15, 1970, amended Chapter 95, Title 18, United States Code, by adding a new section, Section 1955, Prohibition of Illegal Gambling Businesses. Section 801 of Title VIII of this Act contains special findings that illegal gambling involves widespread use of, and has an effect upon, interstate commerce and the facilities thereof.

5. He has discussed all the circumstances of the above offenses with Special Agent Robert R. Hazelwood, of the Albany Office of the Federal Bureau of Investigation, who has directed and conducted the investigation herein, and has examined the affidavit of Special Agent Hazelwood, sworn to on March 6, 1974, (a copy of which is attached to this application as Exhibit-B and incorporated by reference herein), and April 11, 1974, (a copy of which is attached to this application as Exhibit-C and incorporated by reference herein,) as well as the affidavit of Special Agent Hazelwood sworn to today (attached to this application and incorporated by reference herein), which affidavits allege facts which show that:

- a) there is probable cause to believe that STANLEY A. RAPPUCCI, FRANK SALVATORE CANNONE, ANGELO A. BONTEMPO,

MP-17 AFFIDAVIT, APPLICATION, ORDER.

JOSEPH ROMEO, THOMAS A. GAETANI, RAY MASCIARELLI, JIM (LNU), ROSE (LNU), PARKWAY (LNU), WOOD (LNU), an unidentified male answering to the initials "BR", an unidentified female answering to the initials "BR", and others as yet unknown, are each conducting, financing, managing, supervising, directing, or owning all or part of an illegal gambling business, in violation of Article 225 of the Penal Law of the State of New York, which illegal gambling business has been or remained in substantially continuous operation for a period in excess of thirty (30) days, or has a gross revenue of \$2,000 in any single day, and thereby is in violation of Section 1955, Title 18, United States Code, and are conspiring to commit such an offense in violation of Section 371 of Title 18, United States Code.

b) there is probable cause to believe that particular wire communications of STANLEY A. RAPPUCCI, THOMAS A. GAETANI, PARKWAY (LNU), WOOD (LNU), an unidentified male answering to the initials "BR", an unidentified female answering to the initials "BR", and others as yet unknown, concerning these offenses will be obtained through interceptions, authorization for which is applied for herein. In particular, the wire communications will concern the receipt and placing of bets and lay-off wagers on horse races and sports events, the exchange of line information, and the dissemination of such information to persons engaged in the unlawful business of gambling, and participants in the commission of said offenses, as well as the management of this illegal gambling business.

c) there is probable cause to believe that telephones number (607) 754-6933, subscribed to by STANLEY A. "REPUCI", 708 Front Street, Vestal, New York, a two-story, frame and brick single family dwelling; and (607) 754-0861, subscribed to by ROGER EVANEK, 820 Morlando Drive, Endicott, New York,

MP-17 AFFIDAVIT, APPLICATION, ORDER.

a white Cape Cod style, single family dwelling, are being used and will be used in carrying out of the offenses referred to above.

d) The attached affidavits of Special Agent Hazelwood contain full and complete statements explaining why normal investigative procedures either have been tried and failed or reasonably appear unlikely to succeed if continued, or reasonably appear unlikely to succeed if tried.

6. No other application is known to have been made to any judge for authorization to intercept or for approval of interceptions of wire communications involving any of these persons, places, or facilities, except as follows:

On March 6, 1974, the Honorable Edmund Port, United States District Judge, Northern District of New York, upon the application of Eugene Welch, Assistant United States Attorney, Northern District of New York, signed an Order authorizing the interception of wire communications to and from telephone number (607) 729-1401, a telephone subscribed to by THOMAS A. GAETANI, 52 Rotary Avenue, Binghamton, New York. The interception commenced on March 7, 1974, and terminated on March 21, 1974. The results of that interception are set forth in the attached affidavit of Special Agent Hazelwood dated April 11, 1974, (Appendix C), and form the basis for a finding of probable cause upon which an application was made by Eugene Welch for an Order authorizing the interception of wire communications to and from that telephone numbered (607) 729-1401 and a telephone numbered (607) 724-5301, subscribed to by RAYMOND FORDNIA, 229 Chenango Street, Binghamton, New York. The application for that March 6, Order and the Order itself listed all the individuals set forth in this application with the exception of RAY MASCIARELLI, JIM (LNU), ROSE (LNU), PARKWAY (LNU), WOOD (LNU), an unidentified male answering to the initials "BR", and an unidentified female answering to the initials "BR", whose

MP-17 AFFIDAVIT, APPLICATION, ORDER.

roles in this illegal gambling business were discovered only as a result of the March 6, 1974, authorized interception. As indicated on April 11, 1974, Eugene Welch made an application for and an Order was issued authorizing the interception of wire communications to and from telephones numbered (607) 724-5301 and (607) 729-1401. The results of those interceptions are set forth, in part, in the attached affidavit of Special Agent Hazelwood, sworn to today, and form the principal basis for a finding of probable cause upon which this application is based. The application and Order of April 11, 1974 listed all the individuals set forth in this application with the exception of PARKWAY (LNU), WOOD (LNU), an unidentified male answering to the initials "BR", and an unidentified female answering to the initials "BR", whose roles in this illegal gambling business were discovered only as a result of the April 11, 1974 authorized interception. In addition, upon information and belief, the source of which is Special Agent Hazelwood's affidavits attached hereto, a Court order authorizing the interception of wire communications to and from the telephones numbered (607) 722-9622 and (607) 722-7661, was issued by the Honorable James T. Foley, United States District Judge, Northern District of New York, on April 22, 1972. As indicated in Agent Hazelwood's affidavits, those telephone numbers were subscribed to and or used by RAY MASCIARELLI and one GERALD SINES. To the knowledge of your applicant, these mentioned interceptions and the applications therefor are the only other applications known to have been made to any judge for approval of interceptions of wire communications involving any of the persons, facilities, or places involved in this application.

7. As a result of the interception of wire communications to and from telephone numbered (607) 729-1401, pursuant to the March 6, 1974 and April 11, 1974 Orders of the Honorable Edmund Port, as well as as a result of the interception of

MP-17 AFFIDAVIT, APPLICATION, ORDER.

wire communications to and from telephone numbered (607) 724-5301, pursuant to the April 11, 1974, Order of the Honorable Edmund Port, it was determined that those telephones are being used by the persons named in the March 6, and April 11, applications and Orders for the conduct of this illegal gambling business. It was also ascertained from those interceptions that THOMAS A. GAETANI, in conversations over telephone numbered (607) 729-1401, with STANLEY A. RAPPUCCI, and other unidentified participants in this illegal gambling business, would relate messages to the unidentified participants that those unidentified participants should contact RAPPUCCI at RAPPUCCI'S telephone numbered (607) 754-6933 to discuss management questions concerning this illegal gambling business. Specific examples of these types of conversations are set forth in the attached affidavit of Agent Hazelwood, sworn to today, and clearly indicate that telephone numbered (607) 754-6933 is being utilized by STANLEY A. RAPPUCCI to manage and direct an illegal gambling business, in violation of Title 18, United States Code, Section 1955. Also, THOMAS A. GAETANI, during the period of interception authorized April 11, 1974, routinely talked with a male and a female, who both respond to the identification code "BR". In those conversations with "BR", it is demonstrated that "BR" distributes line information and accepts wagers over the telephone. The line information disseminated by "BR" is received from GAETANI; the telephone bets placed with "BR" are then placed with GAETANI. When GAETANI calls "BR", he calls on telephone numbered (607) 754-0861. That telephone is an unlisted telephone in a private residence where there is also maintained a listed telephone. That circumstance, combined with the particular telephone conversations set forth in Agent Hazelwood's affidavit of today, and the other

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circumstances set forth in Agent Hazelwood's affidavit, particularly paragraphs 31 and 32, clearly demonstrate that telephone numbered (607) 754-0861 is being utilized by this as yet unidentified male and unidentified female who respond to the identification code "BR" for the conduct of this illegal gambling business. The full scope of this conspiracy and the identities of all of its participants, have not yet been discovered, nor does it appear possible that they will be discovered without the interception of wire communications to and from telephones numbered (607) 754-6933 and (607) 754-0861.

WHEREFORE, based upon the attached affidavits of Special Agent Hazelwood and the results of the interceptions authorized by Judge Port on March 6, and April 11, 1974, this applicant believes there is probable cause to believe that STANLEY A. RAPPUCCI, FRANK SALVATORE CANNONE, ANGELO A. BONTEMPO, JON N. ENGLISH, JOSEPH N. MARUCA, BENNIE MUSSO, JOSEPH ROMEO, THOMAS A. GAETANI, RAY MASCIARELLI, JIM (LNU), ROSE (LNU), PARKWAY (LNU) WOOD (LNU), an unidentified male answering to the initials "BR", an unidentified female answering to the initials "BR", and others as yet unknown, have committed and are committing offenses listed in Section 2516 of Title 18, United States Code, involving the financing, managing, supervising, directing, or owning of an illegal gambling business and the conspiracy to commit these offenses; that STANLEY A. RAPPUCCI, FRANK SALVATORE CANNONE, ANGELO A. BONTEMPO, JON N. ENGLISH, JOSEPH N. MARUCA, BENNIE MUSSO, JOSEPH ROMEO, THOMAS A. GAETANI, RAY MASCIARELLI, JIM (LNU), ROSE (LNU), PARKWAY (LNU), WOOD (LNU), an unidentified male answering to the initials "BR", an unidentified female answering to the initials "BR", and others as yet unknown, have used and are using the above-described telephones in connection with the commission of the above-described offenses; that

MP 17 AFFIDAVIT, APPLICATION, ORDER.

communications of STANLEY A. RAPPUCCI, THOMAS A. GAETANI, PARKWAY (LNU), WOOD (LNU), an unidentified male answering to the initials "BR", an unidentified female answering to the initials "BR", and others as yet unknown, concerning these offenses will be intercepted to and from the telephones numbered (607) 754-6933 and (607) 754-0861, and that normal investigative procedures appear unlikely to succeed and are too dangerous to be used.

On the basis of the allegations contained in the affidavits of Special Agent Robert R. Hazelwood and upon this application, your applicant requests this Court issue an order pursuant to the power conferred upon it by Section 2518 of Title 18, United States Code, authorizing the Federal Bureau of Investigation of the United States Department of Justice to intercept wire communications to and from telephones numbered (607) 754-6933 and (607) 754-0861, which interceptions shall not automatically terminate when the type of communications described in paragraph 5, has first been obtained but shall continue until communications are intercepted which reveal the manner in which STANLEY A. RAPPUCCI, FRANK SALVATORE CANNONE, ANGELO A. BONTEMPO, JON N. ENGLISH, JOSEPH N. MARUCA, BENNIE MUSSO, JOSEPH ROMEO, THOMAS A. GAETANI, RAY MASCIARELLI, JIM (LNU), ROSE (LNU), PARKWAY (LNU), WOOD (LNU), an unidentified male answering to the initials "BR", an unidentified female answering to the initials "BR", and others as yet unknown, participate in the illegal use of telephone facilities for the transmission of gambling information and which reveal their identities and the identities of their confederates, their places of operations, and the nature of the conspiracy involved therein, or for a period of fifteen (15) days from the date of that Order, whichever is earlier.

It is further requested that this Court issue an Order

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pursuant to the power conferred upon it by Section 2518(4)(e) of Title 18, United States Code, directing that the New York Telephone Company, a communications common carrier, as defined in Section 2510(10), of Title 18, United States Code, shall furnish the applicant forthwith all information, facilities, and technical assistance necessary to accomplish the interceptions unobtrusively and with a minimum of interference with the services that such carrier is according the persons whose communications are to be intercepted, the furnishing of such facilities or technical assistance by the New York Telephone Company to be compensated for by the applicant at the prevailing rates.

/s/
EUGENE WELCH
Assistant United States Attorney
Northern District of New York
Syracuse, New York 13201

Subscribed and sworn to before me
this 31 day of May, 1974.

/s/ Edmund J. Post
UNITED STATES DISTRICT JUDGE

MP-17 AFFIDAVIT, APPLICATION, ORDER.



Address Reply to the
Division Indicated
and Refer to Initials and Number

UNITED STATES DEPARTMENT OF JUSTICE

WASHINGTON, D.C. 20530

MAY 2 1974

Mr. James M. Sullivan, Jr.
United States Attorney
Syracuse, New York

Dear Mr. Sullivan:

This is to advise you that pursuant to the power conferred on him by Section 2516 of Title 18, United States Code, the Attorney General has authorized an application to be made to a Federal judge of competent jurisdiction for an order under Section 2518 of Title 18, United States Code, authorizing the interception of wire communications for a fifteen (15) day period to and from the telephones bearing numbers 607-754-6933, located at 708 Front Street, Vestal, New York, and 607-754-0361, located at 820 Morlando Drive, Endicott, New York, in connection with the investigation into possible violations of Title 18, United States Code, Sections 1955 and 371, by Stanley A. Rappucci, Frank Salvatore Cannons, Angelo A. Bontempo, Jon N. English, Joseph N. Maruca, Bannie Musso, Joseph Romeo, Thomas A. Gaetani, Ray Masciarelli, "Rose," "Jim," "Parkway," "Wood," "an unidentified male answering to the initials "BR"," "an unidentified female answering to the initials "BR"," and others as yet unknown. A copy of the Attorney General's memorandum of authorization is attached hereto.

Accordingly, you or any other attorney on your staff who is an investigative or law enforcement officer of the United States within the meaning of Section 2510(7) of Title 18, United States Code, are authorized to make the above-described application.

Sincerely,

HENRY B. PETERSEN
Assistant Attorney General
Criminal Division

By: *Kurt W. Muelenberg*
KURT W. MUELLENBERG
Deputy Chief, Organized Crime
and Racketeering Section
Criminal Division

Enclosure

Exhibit A

MP-17 AFFIDAVIT, APPLICATION, ORDER.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

IN THE MATTER OF THE APPLICATION OF
THE UNITED STATES OF AMERICA FOR AN ORDER
AUTHORIZING THE INTERCEPTION OF
WIRE COMMUNICATIONS

Misc. No. MP17

O R D E RAUTHORIZING INTERCEPTIONS OF WIRE COMMUNICATIONS

TO: Special Agents of the Federal Bureau of Investigation
United States Department of Justice

Application under oath having been made before me by
EUGENE WELCH, Assistant United States Attorney of the Northern
District of New York, and an "investigative or law enforcement
officer" as defined in Section 2510(7) of Title 18, United States
Code, for an Order authorizing the interception of wire
communications pursuant to Section 2518 of Title 18, United
States Code, and full consideration having been given to the
matters set forth therein, the Court finds:

(a) There is probable cause to believe that STANLEY
A. RAPPUCCI, FRANK SALVATORE CANNONE, ANGELO A.
BONTEMPO, JON N. ENGLISH, JOSEPH N. MARUCA, BENNIE
MUSSO, JOSEPH ROMEO, THOMAS A. GAETANI, RAY MASCIARELLI,
JIM (LNU), (last name unknown), ROSE (LNU), (last name
unknown), PARKWAY (LNU), (last name unknown), WOOD (LNU),
(last name unknown), an unidentified male answering
to the initials "BR", an unidentified female answering
to the initials "BR", and others as yet unknown, have
committed and are committing offenses listed in Section
2516 of Title 18, United States Code, involving the
carrying on of an illegal gambling business by five
or more persons which illegal gambling business has

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a gross revenue in excess of \$2,000.00 in a single day or has been in substantially continuous operation for a period in excess of thirty (30) days in violation of Article 225 of the Penal Law of the State of New York and thereby in violation of Section 1955 of Title 18, United States Code, and are conspiring to commit such an offense in violation of Section 371 of Title 18, United States Code.

(b) There is probable cause to believe that particular wire communications concerning these offenses will be obtained through the interception. In particular, these wire communications will concern the receipt and placing of bets and lay-off wagers on horse races and sporting events, the exchange of line information and dissemination of such information to persons engaged in the unlawful business of gambling, and the participants in the commission of the above-described offense, as well as the management of the illegal gambling business.

(c) There is probable cause to believe that two (2) telephones have been used, are being used, and will continue to be used by STANLEY A. RAPPUCCI, THOMAS A. GAETANI, PARKWAY (LNU), (last name unknown,) WOOD (LNU), (last name unknown), an unidentified male answering to the initials "BR", an unidentified female answering to the initials "BR", and others as yet unknown, in connection with the commission of the above-described offenses. These two telephones are:

one telephone subscribed under the name
STANLEY A. "REPUCI" bearing the number
(607) 754-6933, located at 708 Front Street,
Vestal, New York, a two-story frame and brick
single family dwelling, and
one telephone subscribed under the name of
ROGER EVANEK, bearing the number (607) 754-0861,

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located at 820 Morlando Drive, Endicott, New York, a white Cape Cod style single family dwelling.

(d) Normal investigative procedures either have been tried without success or reasonably appear unlikely to succeed if continued, or reasonably appear unlikely to succeed, if tried.

WHEREFORE, it is hereby ORDERED that:

Special Agents of the Federal Bureau of Investigation, United States Department of Justice, are authorized pursuant to application authorized by the Attorney General of the United States, the Honorable William B. Saxbe, to exercise the powers conferred on the Attorney General by Section 2516 of Title 18, United States Code:

To intercept wire communications of STANLEY A. RAPPUCCI, THOMAS A. GAETANI, PARKWAY (LNU), (last name unknown), WOOD (LNU), (last name unknown), an unidentified male answering to the initials "BR", an unidentified female answering to the initials "BR", and others as yet unknown, concerning the above-described offenses to and from the following two (2) telephones:

One telephone subscribed under the name STANLEY A. "REPUCI", bearing the number (607) 754-6933, located at 708 Front Street, Vestal, New York, a two-story frame and brick single family dwelling; and, one telephone subscribed under the name ROGER EVANEK, bearing the number (607) 754-0861, located at 820 Morlando Drive, Endicott, New York, a white Cape Cod style single family dwelling.

Such interceptions shall not automatically terminate when the type of communication described above in paragraph (b) has first been obtained, but shall continue until such communications are intercepted which reveal the manner in which STANLEY A. RAPPUCCI, FRANK SALVATORE CANNONE, ANGELO A. BONTEMPO, JON N. ENGLISH, JOSEPH N. MARUCA, BENNIE MUSSO, JOSEPH ROMEO, THOMAS A. GAETANI, RAY MASCIARELLI, JIM (LNU),

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(last name unknown), (ROSE (LNU), (last name unknown), PARKWAY (LNU), (last name unknown), WOOD (LNU), (last name unknown), an unidentified male answering to the initials "BR", an unidentified female answering to the initials "BR", and others as yet unknown, participate in the illegal gambling business and which reveal their identities and the identities of their confederates, their places of operation, and the nature of the conspiracy involved therein, or for a period of fifteen (15) days from the date of this Order, whichever is earlier.

PROVIDED THAT, this authorization to intercept wire communications shall be executed as soon as practicable, after the signing of this Order, and shall be conducted in such a way as to minimize the interception of communications not otherwise subject to interception under Chapter 119 of Title 18, United States Code, and must terminate upon attainment of the authorized objective, or in any event, at the end of fifteen (15) days from the date of this Order.

PROVIDED, ALSO, that EUGENE WELCH shall provide the Court with a report on the 5th and 10th day following the date of this Order showing what progress has been made toward achievement of the authorized objectives, and the need for continued interception.

IT IS FURTHER ORDERED that the New York Telephone Company, a communications carrier as defined in Section 2510(10) of Title 18, United States Code, shall furnish the applicant forthwith all information, facilities, and technical assistance necessary to accomplish the interceptions unobtrusively and with a minimum of interference with the services that such carrier is according the persons whose communications are to be intercepted, the furnishing of such facilities or technical assistance by the

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New York Telephone Company, to be compensated for by the applicant at the prevailing rates.

Dated: Auburn, New York
May 3, 1974.

JS/ Edmund Port
UNITED STATES DISTRICT JUDGE